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PARLIAMENTARY DEBATES

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PARLIAMENT OF INDIA

OFFICIAL REPORT

—
Part I—Questions and Answers

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Oral Answers to Questions [Cols. 1595—1626].

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

1921

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PARLIAMENT OF INDIA

Thursday, 4th October, 1951

The House met at Nine of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

VACANCIES FOR WAR SERVICE CANDIDATES

*1511. **Shri Sidhva:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that 70 per cent. of the vacancies that occurred over a number of years were reserved for staff with war service for the purpose of their confirmation over and above their seniors;

(b) if the answer to part (a) above be in the affirmative, whether Government are willing similarly to reserve at least 70 per cent. vacancies in the different categories of staff in the offices of the various Ministries of the Government of India for the confirmation of the present suitable displaced India opting staff now working in these offices against the vacancies of Pakistan optees in view of their past long service and financial ruin;

(c) what are the reasons for not treating such displaced persons at par with the war service staff for purposes of confirmation in the various Ministries;

(d) what is the total number of routine clerks, upper division clerks, stenographers and assistants, who migrated to Pakistan from each Ministry, the number of India opting displaced staff absorbed against them, and why it has not been possible to confirm suitable displaced staff upto the number of those vacancies; and

(e) what are the reasons for preference to the temporary staff appointed during the war against displaced employees?

The Minister of Home Affairs (Shri Rajagopalachari): It is a rather long answer. I wish I had the time to look

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into it. I would have placed it on the Table of the House. I shall have to read it now.

(a) In order to ensure that suitable young men would not be deterred from joining the Armed Forces on account of the uncertainty of the prospects of post-war employment, the then Government announced that 70 per cent. of the vacancies for direct recruitment in all departments and offices of the Central Government during the war would be kept reserved to be ultimately filled by persons who had rendered approved war service. All persons appointed to such vacancies in the interim period clearly understood that their employment was temporary and did not entitle them to confirmation in the posts. As and when suitable candidates with war service became available, they were permanently appointed to the vacancies, by displacing temporary interim incumbents if necessary. There is no question of a war service candidate being confirmed "over and above his seniors". The actual period covered by the vacancies so reserved fell between 29th June, 1942 and 31st December, 1945.

(b) and (c). Permanent India-opting staff have been absorbed permanently either in regular or in supernumerary posts. Temporary India-opting staff as well as other displaced Government servants have been and are being considered along with the other temporary staff of the Government of India for confirmation in vacancies as and when available. Under Article 16 of the Constitution no reservation of posts is permissible except for members of Scheduled Castes and Tribes.

(d) The required information is being collected and will be laid on the Table of the House as soon as full details are ready.

The Government of India cannot reserve for the displaced persons all the vacancies arising out of the migration of the staff who opted for Pakistan without overlooking the claims of the temporary employees of the Central Government for confirmation in such vacancies.

(e) No preference has been shown to the temporary staff *vis-a-vis* displaced persons. The Government of India have tried to hold the scales even between these two categories of employees.

Shri Sidhya: May I know the percentage of temporary staff who have been made permanent, I mean in India and those optees from Pakistan? Can they give us a comparative statement showing the percentage during the last four years?

Shri Rajagopalachari: I must apologise; I would ask a question to be put.

Shri M. Naik: The hon. Minister stated that certain reservations have been made for Scheduled Castes and scheduled tribes candidates. May I know how many Scheduled Caste and scheduled tribe candidates opting for India have been absorbed, against those reservations?

Shri Rajagopalachari: I am not able to hear. If there is any question arising out of the long answer I have given in regard to details, I would like to have notice.

Sardar Hukam Singh: May I know the special reasons that led the Government to place the displaced persons who were permanent in Pakistan at par with temporary employees here?

Shri Rajagopalachari: There is no placing at par and there is no placing of any discrimination either. No special reasons therefore arise. Nobody can be dealt with unjustly. That is the only reason.

Sardar Hukam Singh: Those permanent employees who were serving under the Government of India in Pakistan, when they opted for India and came here, why were they not considered at par with permanent servants?

Shri Rajagopalachari: Those who were serving under the Government of India and who opted have full rights under the arrangement made. It is only those who did not serve under the Government of India, but served in some States, different from the Government of India, and who opted, that are provided for specially in the particular case. Those who opted later on or who were displaced stand on a different footing.

Sardar Hukam Singh: What was the reason that led to such discrimination being made, in the case of employees who were serving in some States as for instance Sind or Bahawalpur?

Shri Rajagopalachari: There is no question of discrimination of all. Our liabilities have to be confined within the limits of our resources. Our liabilities are definitely recognised so far as the servants of the Government of India were concerned. Some States had to go to Pakistan and some others had to go to India. The responsibility of the States continues in all cases. The question whether the Government of India can take over the responsibility of a minority community in a State which has gone to Pakistan is a different question; not a question of discrimination at all.

Sardar Hukam Singh: Has the Government any figures of the number of people from Sind and Bahawalpur who are still out of employment?

Shri Rajagopalachari: This has been the subject-matter of many applications, enquiries and representations. Figures have been collected from time to time and given. At each date, when an hon. Member wants a particular figure, I have to go into the figures, cull them out up to date and present them. If a question is put down anew and notice is given, I shall try to do my best.

SPIES

*1512. **Shri Sidhya:** Will the Minister of Home Affairs be pleased to state the number of foreign spies detected and arrested in the various States who arrived in India without regular permits?

The Minister of Home Affairs (Shri Rajagopalachari): Government have called for this information from the State Governments concerned. But it cannot be stated now how much of the information may be published in the public interest.

Shri Chattopadhyay: Is there any information available for the Centrally Administered Areas?

Shri Rajagopalachari: Even there we have to get information. As the question is with reference to arrests and the like, we have to get the information from the officials concerned.

TRAVANCORE-COCHIN STATE FORCES (PERSONNEL RELEASED)

*1513. **Shri Alexander:** (a) Will the Minister of Defence be pleased to state the number of officers and other ranks released from Travancore-Cochin State Forces as a result of their integration with the Indian Army?

(b) How many of the officers have been provided for by the State

Government and by the Centre and what are their salaries and Posts?

(c) Is it a fact that some officers have filed suits for restitution and if so, how many?

(d) Has any scheme for rehabilitation of these people been sponsored either by the State Government or by the Government of India?

(e) If so, when will such schemes be worked out and what is the amount which the Government of India and the State Government will be contributing and the nature of the Scheme?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) It will be contrary to public interest to furnish this information.

(b) The State Government have found employment for 4 officers in the Armed Reserve Police, 6 in the Palace Guards, 1 in another Department and 2 in civil Firms. Information about the designation and the salary of the posts is not readily available.

(c) Yes. 9 officers have filed suits in the Travancore-Cochin High Court.

(d) Yes.

(e) The scheme for securing employment in Government/Private Service is already being given effect to. Two schemes for settling ex-service-men on land in Ranni forest extension and in Kannathanal on joint farming co-operative basis have been prepared and, it is expected, will shortly be finally settled.

Shri Alexander: May I know whether it is a fact that demobilisation was effected after taking over by the Centre?

Major-General Himatsinhji: Release had started even before the taking over by the Centre. After that, the troops were screened and those who were found medically unfit were either discharged or released.

Shri Alexander: If demobilisation was effected after taking over by the Centre, may I know whether it is not the duty of the Central Government to provide for these people?

Major-General Himatsinhji: The Central Government is providing for these ex-soldiers. As I have already stated, many soldiers have been already employed. For others, land settlement schemes have been prepared and will be carried out very soon. The only question is how much the Centre is prepared to pay and how much the local State Government is prepared to

share. We are discussing that question now.

Shri Alexander: May I know whether these officers were not covenanted officers and as such, on whom does the responsibility devolve for the damages for their release?

Major-General Himatsinhji: The question of damages does not arise. We have offered to all officers who were not passed fit for retention in the Army alternative employment or we hope to settle them down on land in various schemes which are being prepared.

Shri Alexander: What I wanted to know was that whether these officers were not covenanted officers, that is, the State had entered into an agreement to have their services for a certain number of years. If so, is not the State liable?

Mr. Deputy-Speaker: The hon. Minister has answered already.

Shri Alexander: He has not answered my point.

Mr. Deputy-Speaker: They are taking steps. It is a question of law. There is no good asking a question of this kind. The hon. Minister has already stated that attempts are being made to settle them on land, reclaimed forests and other co-operative institutions.

Major-General Himatsinhji: Nine officers have taken this stand in the Travancore-Cochin High Court. The Travancore-Cochin High Court has dismissed their suits on the ground that it was misconceived and unsustainable. I understand that they have collectively taken up this case to the Supreme Court.

Shri Lakshmanan: May I know whether there has been any proposal for absorption of these ex-military personnel into the police force?

Major-General Himatsinhji: Already they are being absorbed in this manner and the process is going on continuously.

Shri Lakshmanan: May I know whether in the matter of recruitment to the Indian police forces if they are otherwise fit, will the question of giving preference to these released military personnel be considered?

Major-General Himatsinhji: If found fit, they are always eligible for being recruited into the police forces; but we cannot give them any preference over other trained police officers.

Shri Sivan Pillay: What was the principle or basis on which the personnel of the State Forces were rejected as unfit for the Indian Army? Who sat in judgment over them?

Major-General Himatsinhji: I have explained it more than once that a selection board for the army had met and before this board they were given every opportunity, and if they were somewhere near the Indian Army standard they were accepted. But, if they were medically or in military training not near this standard, they were not accepted. However, if they were on the border-line they were accepted, for one, two or three years short-service commissions and if these are found fit later during their service, they will be considered for permanent Commission.

Shri Sivan Pillay: May I know whether these ex-military personnel were considered as mere raw recruits for the purpose of this absorption into the Indian Army?

Mr. Deputy-Speaker: That is getting into arguments. The Minister has said that there was a selection committee or board which went into the whole matter.

Sardar Sochet Singh: Is the Government aware that due to the indiscriminate retrenchment of military personnel, great difficulty was being experienced in the recent recruitment drive for the army?

Major-General Himatsinhji: Government do not accept the insinuation that there was any indiscriminate discharge of these soldiers. Therefore, the other question does not arise.

RURAL CREDIT

*1514. **Shri A. C. Guha:** Will the Minister of Finance be pleased to refer to the statement placed on the Table of the House in reply to starred question No. 947 asked on the 23rd March, 1948 and state what further steps have been taken by the Reserve Bank to implement the obligation imposed on it by Section 54 of the Reserve Bank of India Act of 1934?

The Minister of Finance (Shri C. D. Deshmukh): Further steps taken since March, 1948 are—

(i) Increased financial accommodation to State Cooperative Banks under Section 17(2)(b) and 17(4)(c) and also grant of accommodation on the same concessional terms under Section 17(4)(a) of the Reserve Bank of India Act aggregating to Rs. 103 lakhs

in 1948-49, Rs. 271 lakhs in 1949-50 and Rs. 538 lakhs in 1950-51.

(ii) Grant of free remittance facilities to the State Cooperative Banks to the extent of the loans for transfer of funds from the principal account maintained at an office of the Reserve Bank to an account at an agency of the Reserve Bank.

(iii) Allowing brokerage on applications for Government loans by State and Central Cooperative Banks.

(iv) Increased support to Land Mortgage Banks by purchase of their debentures.

(v) Closer contact with the Cooperative movement in the States by tours of the Reserve Bank officers, studies and proposed inspection.

(vi) The setting up of a new Department of Banking Development to foster the development of banking in rural areas.

(vii) Increased facilities will also be now available under the amended Section 17(2) (a) of the Reserve Bank of India Act which extends the rediscounting facilities to Apex Cooperative Banks and Section 17(2)(b) of the Reserve Bank of India Act which extends the period of advances from nine to fifteen months.

(viii) Reserve Bank has undertaken a nation-wide rural credit survey.

Shri A. C. Guha: What is the rate of interest for the loans now granted to the cooperative banks?

Shri C. D. Deshmukh: One-and-half per cent.

Shri A. C. Guha: May I know when this new Department of Banking Development referred to in part (vi) of the answer was set up and what is the progress so far made?

Shri C. D. Deshmukh: It is too early to expect any visible progress. I think it was set up about nine months ago and preliminary survey has been completed.

Shri A. C. Guha: Under section 54 of the Reserve Bank Act, an expert body for rural credit has to be maintained. What has been the work of that body? The hon. Minister has not said anything about that.

Shri C. D. Deshmukh: All this work has been the work of the expert body—the Agricultural Credit Department.

Shri A. C. Guha: Besides these cooperative banks, are there any financial organisations maintained for giving rural credit, as referred to under Section 54 of the Reserve Bank Act?

Shri C. D. Deshmukh: Indigenous bankers take part in rural credit. I do not quite understand the hon. Member's question. He has, I think, asked me whether, in addition to the cooperative banks, there are any other agencies which take part in rural credit?

Shri A. C. Guha: Is there any other bank or organisation engaged in the business of agricultural trading?

Shri C. D. Deshmukh: There are the indigenous bankers.

Shri A. C. Guha: Does the Reserve Bank give any facilities or particular privileges to them also?

Shri C. D. Deshmukh: No, Sir. It has so far proved difficult to devise suitable machinery by which indigenous bankers could be assisted. That position has been explained in the two statutory reports published by the Reserve Bank some years ago. Under section 54, the main difficulty was with regard to separating the lending business from the other business of the indigenous bankers, and secondly, inspection. The Reserve Bank has taken up the question again, following a conference of indigenous bankers in Bombay.

Shri A. C. Guha: May I know if it is the policy of the Government to eliminate these indigenous bankers altogether, and if not, whether Government would make some scheme to organise them on some scientific basis?

Shri C. D. Deshmukh: Our efforts are in the latter direction.

Shri Sidhva: May I know whether the indigenous bankers are entitled to get loans from the Reserve Bank?

Shri C. D. Deshmukh: Not in the existing dispensation

Mr. Deputy-Speaker: Questions 1516, 1517 and 1518 are in the name of Shri S. N. Sinha; but he is absent.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): Sir, I would like to give the answer to question 1517 as it has interested many hon. Members and

Shri A. C. Guha: The three questions are allied and they may all be answered, as there is much controversy about the working of this project.

Mr. Deputy-Speaker: The questions are Nos 1516, 1517 and 1518.

Shri Sri Prakasa: They are separate questions and I can answer all of them. But I wanted particularly to answer question 1517 though the questioner is absent.

Mr. Deputy-Speaker: Now we go to question 1519. We shall come back to these questions after finishing the other questions.

FORMER REGULAR OFFICERS OF THE INDIAN ARMY WHO JOINED THE I.N.A.

***1519. Sardar Hukam Singh:** Will the Minister of Defence be pleased to state:

(a) whether former regular officers of the Indian Army who joined I.N.A. forces must be under the age of 36 years before they can be re-employed and absorbed in the Army now;

(b) whether any consideration is given to the period of service an officer had put in before his captivity; and

(c) whether ex-regular officers of the Army of over 36 years of age can only join on Short Service Regular Commission and even then are not allowed to count any part of their former service before joining I.N.A.?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Ex-regular officers who joined the I.N.A. and now apply for the grant of *de novo* permanent regular commissions must be under the age of 36 years on the date of application. This limit may be relaxed upto 40 years of age where such an officer with his previous pensionable service can complete 15 years pensionable service before reaching the age of 47. These officers are not re-employed but granted *de novo* permanent regular commissions.

(b) Yes. These ex-regular officers are granted *de novo* permanent regular commissions in the substantive rank held at the time of capture as prisoner of war or on the 15th February, 1942, whichever is earlier. Previous service upto that date reckons for seniority, promotion and increments of pay.

(c) Ex-regular officers of over 36 years age, in whose case the relaxation upto 40 years referred to in clause (a) above, is not applicable, are eligible to apply for *de novo* short service regular commissions for 1 or 3 years. They do not reckon any part of their previous service in the army for purposes of seniority, substantive promotion and increments of pay.

Sardar Hukam Singh: What is the number of officers over 36 years (who have been given further concession up to 40 years) who have been re-employed in the Indian army?

Major-General Himatsinhji: I have not got the figures of the number of officers over 36 or over 40. So far as the number of I.N.A. officers who ap-

plied for re-employment in the Indian Army is concerned, their number is 16, the number granted permanent commissions is 3, the number granted short service regular commission is 4 and the number under consideration is 1. The number so far rejected is 8.

Sardar Hukam Singh: Have any of those over 36 years been taken as second lieutenants, even as junior to those who joined one day earlier?

Major-General Himatsinhji: They were taken as second lieutenants on regular commission on the date of entry but their previous service as regular officers counted up to 1942. After they became second lieutenants they became acting Captains and acting Majors automatically and thus became senior to the second lieutenants who had joined one day earlier.

Sardar Hukam Singh: Out of this category how many are Majors or Captains at present after they had submitted themselves to being taken as second lieutenants?

Major-General Himatsinhji: I gave the hon. Member the number of officers taken into the Indian Army. I have not got the breakdown with me regarding the number of captains and majors. I will get the information for the hon. Member in a day or two.

Shri Sidhva: May I know whether the low paid staff such as cooks and sweepers in the I.N.A., who were taken as prisoners of war were entitled to anything from the Government of India and if so, have they been paid?

Major-General Himatsinhji: The whole financial question has been settled to the satisfaction of all concerned. While they were prisoners of war they were paid by the Japanese. After they came back the financial question was gone into and finally settled. All dues due to them have been given to them. There may be dissatisfaction about the pay which they received from the Japanese, which was much less than what they would have received if they had continued in the Indian army.

Shri Sidhva: Is it not a fact that some of them made a representation to the Indian Government saying that they have not received any salary from any source? What steps have Government taken in this matter.

Major-General Himatsinhji: It is not a fact.

Dr. Ram Subhag Singh: The Deputy Minister said that while the I.N.A. personnel were prisoners they used to

receive a salary from the Japanese. May I know whether they received their salaries in prison or outside?

Major-General Himatsinhji: While they were prisoners of war if they had not joined the I.N.A. they were paid by the Indian Government when they were repatriated. But if they had joined the I.N.A. they were paid by the Japanese or under a certain arrangement by the I.N.A. leader at certain rates.

Sardar Hukam Singh: Sometime ago we were told that the Government was still to take a decision on the question whether the period for which these officers had held substantive posts in the regular army before their captivity should be taken into consideration or not. May I know whether the Government have come to a decision about that?

Major-General Himatsinhji: No, Sir. That is still under consideration.

Sardar Hukam Singh: May I know whether the Government is prepared to consider the period for which these officers held substantive posts with regard to their seniority—such officers who have been reported to be very good officers as captains and majors and who have now joined as second lieutenants?

Major-General Himatsinhji: If the hon. Member brings to notice any such cases they would be considered on their merits.

MALARIA

*1520. **Shri Lakshmanan:** (a) Will the Minister of Health be pleased to state whether the incidence of malaria has gone down in the Centrally Administered areas to any appreciable extent as a result of the anti-malarial measures taken by the various Part C State Governments?

(b) What is the total expenditure which the Government of India have incurred on this behalf during the years 1949-50 and 1950-51?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) Yes. In the States of Delhi and Coorg where antimalaria work has been done on an organised scale the incidence of malaria has been reduced to negligible proportions.

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

STATEMENT

	1949-50	1950-51
The Malaria Institute of India, Delhi	Rs. 4,41,000	Rs. 4,44,000
Antimalaria Operations, Delhi (Urban)	86,000	60,000
Antimalaria Operations, Delhi (Three mile belt)	20,000	20,000
Antimalaria Operations, Delhi (Rural)	1,40,000	1,01,000
Antimalaria Organisation, Coorg	1,17,698	95,580
Antimalaria Organisation, Ajmer	40,000	55,000
	8,14,698	7,75,580

Shri Lakshmanan: Is the hon. Minister aware of the fact that some hon. Members of this House had recently their first attack of malaria in Delhi?

Rajkumari Amrit Kaur: I am not aware who amongst the hon. Members have had malaria but it is quite possible that those who have had malaria here have not contracted it in Delhi.

Shri Lakshmanan: May I know whether India is getting any assistance from the W.H.O. to combat the disease and if so, what is the nature and quantum of that assistance?

Rajkumari Amrit Kaur: That question has been answered so many times by me. The W.H.O. has helped us in organising four anti-malarial teams and they have done extremely good work.

Shri Shiva Rao: Is there any intention on the part of the Health Ministry to revise the practice of publishing annual reports on public health in this country?

Rajkumari Amrit Kaur: A short report is published every year. Publishing a bigger report is again a matter of financial stringency.

Shri Chattopadhyay: Which unit of the Centrally administered areas recorded the highest incidence of malaria?

Rajkumari Amrit Kaur: I can only say that the incidence in the Centrally administered areas has come down so much that it is difficult now to say where it is really worth consideration. For example in Delhi urban areas in 1933 the incidence was 180 per thou-

sand and in 1950 it was 4 per thousand. In Delhi rural areas in 1946 it was 61 per thousand and in 1950 it has been reduced to 14 per thousand. In Coorg it has come down from 207 per thousand in 1941 to 39 in 1950 and that applies to all the Centrally administered areas.

Shri Chattopadhyay: May I know whether any anti-malaria campaign is carried on in Manipur area which is considered to be very much malaria-infected?

Rajkumari Amrit Kaur: We have not started anything yet but that will now come under consideration.

Shaikh Mohiuddin: May I know if it is a fact that malaria generally breaks out from the month of October to December?

Rajkumari Amrit Kaur: After the monsoon is generally the season when incidence of malaria is usually highest.

OTHER BACKWARD CLASSES

*1522. **Shri Bharati:** Will the Minister of Education be pleased to state the number of candidates selected from Madras State from the category known as "Other Backward Classes" and the basis of their selection for scholarship in 1951-52?

مستتر آف ایجوکیشن (مولانا آزاد):

گورنمنٹ مدراس نے جن لوگوں کو شدولڈ کاسٹ اور شدولڈ ٹرائب سے الگ کر کے بھرتی کلاس تھرایا ہے ان میں سے 99 امیدوار چنے گئے۔ سلیکشن مہرت پر کیا جاتا ہے اور یہ بات بھی دیکھی جاتی ہے کہ امیدوار اپنے خرچے پر اپنی تعلیم جاری رکھ سکتا ہے یا نہیں

[The Minister of Education (Maulana Azad): 99.]

The names of the "Backward Classes" other than Scheduled Tribes were given by the State Government of Madras. Amongst those eligible, the awards were made on the basis of merit and poverty.]

Shri Bharati: I want to know the total number of applicants from the Madras State.

مولانا آزاد : 199 -

[Maulana Azad: 1690.]

Shri Bharati: Am I to understand by "merit" the total number of marks obtained by the candidates in examinations and, if so, in what examinations?

مولانا آزاد : نہیں نہیں -

[Maulana Azad: No, no.]

Shri Bharati: I want to understand how the merit is decided.

مولانا آزاد : اس کے چناؤ کے لئے

ایک بورڈ مقرر کیا گیا ہے - اس بورڈ نے اپنے قاعدے بنائے ہیں - وہ ہر امیدوار کو مہرت پر چلتا ہے اور یہ بھی دیکھتا ہے کہ فائینڈشل پوزیشن کس امیدوار کی کہسی ہے - کوئی ایگزامینیشن نہیں ہے -

[Maulana Azad: A Board has been constituted for the selection of candidates. The Board has framed certain rules. The Board makes the selection on merit also keeping in view the candidates financial position. There is no examination.]

Shri Bharati: What exactly is "merit"? Are there rules to guide the Board and on what criterion or basis are selections made?

مولانا آزاد : رول موجود ہیں اور

آنریبل ممبر چاہیں گے تو ہاؤس کے جدول پر رقم دیئے جائیں گے -

[Maulana Azad: The rules are there and if the hon. Member so desires these will be placed on the Table of the House.]

Shri B. K. P. Sinha: May I know if this classification "Other backward classes" is general in the sense that it covers all the communities, or does it cover only the Hindu community?

مولانا آزاد : نہیں - اس میں

کچھ مسلمان جماعتیں بھی ہیں اور کرسچین بھی ہیں -

[Maulana Azad: No. It includes some Muslim and Christian classes as well.]

ठाकुर कृष्ण सिंह : में माननीय मंत्री से यह पूछना चाहता हूँ कि यह लिस्ट जो

मद्रास स्टेट में है उस में वह भी बैकवर्ड क्लासेज हैं जो पुडुकोटाई रियासत में पहले थीं, या उन रियासतों का जिन का विलीनीकरण हुआ है उन के बैकवर्ड क्लासेज भी लिस्ट में हैं ?

[Thakur Krishna Singh: I want to ask the hon. Minister whether the list for the Madras State includes the backward classes of those States that have been merged with Madras including Pudukotai State?]

مولانا آزاد : مہرے پاس بہت

بڑی لسٹ یہاں موجود ہے جس میں بھکورتہ کمیونٹیز کے نام دئے گئے ہیں - میں سمجھتا ہوں ہاؤس کا وقت بہت ضائع جائے گا اگر تمام نام پڑھ کر سناؤں گا مدارس لسٹ میں کم سے کم ۱۶ - ۱۷ نام ہیں -

[Maulana Azad: I have a very lengthy list here which includes all the names of the backward classes. If I were to read it out, a lot of time of the House would be wasted. The list pertaining to Madras contains at least 16 or 17 names.]

ठाकुर कृष्ण सिंह : जो मर्ड स्टेट्स है उन की कोई लिस्ट है या नहीं ?

[Thakur Krishna Singh: Is there any list for the merged States as well?]

مولانا آزاد : اس میں وہ اسٹیٹ

بھی شامل کر لئے گئے ہیں -

[Maulana Azad: Those States are also included in this list.]

Shri A. Joseph: May I know the number of applications received from Christians from Scheduled Castes in Madras asking for scholarships, and has any special attention been given by Government to grant equal treatment to the Christian applicants as Harijan students?

مولانا آزاد : نہیں - یہ ابھی نہیں

بتلا سکوں گا - اس کے لئے نوٹس چاہئے -

[Maulana Azad: No. I cannot answer that offhand; I shall require notice for that.]

Shri Bharati: Will the hon. Minister be pleased to lay on the Table the names of applicants belonging to the backward classes selected from Madras, along with their marks?

مولانا آزاد : ہاں -

[Maulana Azad: Yes.]

श्री शानी राम : मैं क्या जान सकता हूँ कि सप्लीमेंटरी ग्रांट जो अभी मंजूर हुई है उस में बहुत से डिपार्टमेंट्स की मांगें थीं। शिक्षा विभाग से बहुत से स्कालरशिप की दरखास्तें, जो बैकवर्ड क्लासेज की थीं, खारिज हो गईं। तो शिक्षा विभाग से कृपया मांगा गया या नहीं, और अगर मांगा गया तो फिर लोगों की दरखास्तें रिजेक्ट क्यों हुई ?

[Shri Jnani Ram: The demand for Supplementary Grants, just now passed, includes demands for many departments. The Education Department rejected the application of many scholars belonging to backward classes. May I know whether the demand included grants for the Education Ministry? If so, why were those applications rejected?]

مولانا آزاد : میں نہیں سمجھتا

کہ معاملہ کی یہ پوزیشن ہے - یہ برس جو اب چل رہا ہے اس میں بیگنریڈ کلاسز کے لئے تین لاکھ پینسنتھ ہزار روپے دیکھے گئے ہیں اس میں سے انہیں اسکالرشپ دیا جا رہا ہے - کوئی درخواست روپیہ کی کمی کی وجہ سے ریجکٹ نہیں کی گئی صرف میرٹ پر کی گئی -

[Maulana Azad: I don't think the position is as stated. Three hundred sixty-five thousand rupees were provided for the backward classes for the current year, out of which they are being given scholarships. No application has been rejected on the grounds of financial stringency. Rejections, if any, were made on merits.]

SCHEDULED CASTES AND SCHEDULED TRIBES

*1523. **Shri Karunakara Menon:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government are aware that the Public Notification specifying the Scheduled Castes and Tribes 299 P.S.

issued by the President of the Republic under Section 341 is defective by not including certain castes and tribes entitled to be therein and by excluding certain castes and tribes entitled to be therein; and

(b) whether Government have enquired or are enquiring into the matter in order to cure defects and if so, when Government propose to place their suggestions before Parliament?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). I invite the attention of the hon. Member to my speech in Parliament on the 5th April, 1951 and to the Home Ministry's letter of the 15th February placed on the Table of the House thereafter.

Shri Karunakara Menon: May I know whether complaints have reached the President or the hon. Minister or the Governors about this defect and, if so, what action has been taken upon these complaints?

Shri Rajagopalachari: The constitutional position is the difficulty. Even the President cannot alter what has been done before, nor can the Government, nor anybody else. That is the difficulty and we are trying to examine the position; probably a constitutional amendment will have to be made in the matter.

Shri Jangde: May I know whether Government has found out what are the grounds for excluding, or including, certain castes and tribes in the Scheduled List, particularly for excluding 25 lakh Scheduled Tribe members and 7 lakh Harijans from the tribes in Madhya Pradesh?

Shri Rajagopalachari: As I have already said, the difficulty is the constitutional difficulty—it is not a matter merely of enquiring and finding out facts. Even if we find an error has been committed, the anxiety of those who were particular in getting a constitutional guarantee for the Scheduled Castes took them to the extreme position that no change could be made in the President's notification. Therefore, the procedure has been made very difficult to correct the errors and the Government is considering all these complaints apart from the merits and the truth of the allegations made.

Shri Jangde: May I know whether there are any castes or tribes whose names are enlisted in the list of criminal tribes?

Shri Rajagopalachari: No, Sir. There is no classification of criminal tribes. In most States that I am aware of the

law has been replaced by a law about habitual offenders.

Shri Karunakara Menon: May I know whether Government cannot take the initiative in moving Parliament for curing the defects?

Shri Rajagopalachari: Yes, Sir. We are rather at the wrong end of Parliament just now.

Shri M. Naik: May I know whether Government are considering the desirability of bringing legislation for modification of those orders?

Mr. Deputy-Speaker: The hon. Minister has already answered that we are at the fog end of the session.

Shri Sonavane: Has the hon. Minister not received representations from certain Scheduled Castes which are omitted from the notification, and that he had promised that the needful will be done by bringing forward a Bill? If so, why was a Bill not brought before Parliament and why this delay?

Shri Rajagopalachari: Sir, I have dealt with it already. The President's notification was recent enough. The allegations were made from time to time with reference to certain omissions of certain castes. The merits of those allegations would have to be examined. Then, the procedure would have to be simple for making the changes. So far as I am concerned, I can tell the hon. Member my feeling, that instead of being a suppressed or a depressed class it has become a privileged class and hence so many applications for addition.

ATTENDANCE AT PRAYER MEETINGS

*1524. **Maulvi Haneef:** Will the Minister of Education be pleased to state whether in a local Christian College in New Delhi the attendance of all students of the college at Prayer Meetings and in Bible Classes is compulsory and absence therefrom is punishable with fines?

مسٹر آف ایجوکیشن (مولانا آزاد):

دلی میں کوئی کرسچین کالج نہیں ہے۔ اس لئے میں خیال کرتا ہوں کہ آنریبل ممبر کو تھیک خبر نہیں ملی ہے۔

[The Minister of Education (Maulana Azad): There is no Christian College in New Delhi.]

مولوی حنیف: وہ لیٹر جو کہ

۱۲ ستمبر کے ایوننگ نیوز میں شائع ہوا ہے وہ گورنمنٹ کے سامنے آیا ہے یا نہیں؟

[Maulvi Haneef: Has the letter published in this connection in the Evening News of September 12 last, been brought to the notice of the Government?]

مولانا آزاد: یہ گورنمنٹ کے سامنے

نہیں ہے۔ لیکن یہہ واقعہ ہے کہ دلی میں کوئی ایسا کالج نہیں جس کا نام کرسچین کالج ہو۔

[Maulana Azad: No, it is not before the Government. But it is a fact that there is no college in Delhi bearing the name of Christian College.]

Shri R. Velayudhan: May I know whether the hon. Minister is aware that in most of the schools in Delhi which are conducted by the Christian missionaries religious education is compulsory?

مولانا آزاد: نہیں۔ دلی میں سولہ

کالج ہیں اور چھٹ کمشنری کی یہ رپورٹ مہرے ہاتھ میں موجود ہے کسی کالج میں اس طرح کی تعلیم نہیں دی جاتی۔ ایسا ہی حال اسکولوں کا بھی ہے۔

[Maulana Azad: No, there are 16 colleges in Delhi. I have with me a report from the Chief Commissioner of Delhi saying that such instruction is not imparted in any college. The same is the position with regard to schools.]

خواجہ عذابت الہ: میں یہہ

پوچھنا چاہتا ہوں کہ اگر کوئی کرسچین کالج دلی میں نہیں ہے۔ تو کہا کوئی کالج دلی میں ایسا ہے جہاں بائبل کلاسز میں کھلسری آئیڈینس

ہو۔

[Khawaja Inait Ullah: I want to know that if there is no Christian

College in Delhi, is there any other college here, where attendance in the Bible classes is compulsory?]

مولانا آزاد : میں نے ابھی آپ سے

کہا کہ دلی میں سولہ کالج ہیں - ہمارے پاس دلی کے چیف کمشنر کی رپورٹ موجود ہے - اس کے دیکھنے سے معلوم ہوتا ہے کہ کسی کالج میں بھی بائبل کی تعلیم مذہبی تعلیم کی حیثیت سے کمپلسری نہیں ہے -

[Maulana Azad: As I said just now, there are 16 colleges in Delhi. We have the report of the Chief Commissioner of Delhi. It shows that in no college is the teaching of Bible, by way of religious instruction, compulsory.]

DEEP X-RAY MACHINE AT LADY HARDINGE COLLEGE, DELHI

*1526. Shri Balmiki: (a) Will the Minister of Health be pleased to state whether the necessary bulb for the Deep X-Ray Machine installed at the Lady Hardinge College and Hospital, New Delhi which was to be imported from outside has since arrived and if not, how long is it going to be delayed?

(b) What is the cost of that Machine with the accessories?

(c) What is the amount so far paid to the firm?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) No bulb was required for the Deep X-Ray plant at the Lady Hardinge Medical College and Hospital, New Delhi. If by 'bulb' either the 'tube' of the Deep X-Ray plant or certain rectifying valves are meant, they have all been replaced.

(b) Rs. 65,191.

(c) The entire sum of Rs. 65,191 has been paid to the firm.

श्री कन्हैया लाल बालमीकी : जब से यह मशीन आई है तब से अबतक कितने डीप ऐक्सरे के केस उस के द्वारा जांचे गये हैं ।

[Shri Balmiki: How many cases of deep X-Ray have been examined since the arrival of this machine?]

राजकुमारी अमृतकौर : यह मशीन आई तो थी मार्च सन् १९५० में लेकिन इसको हम फौरन लगा नहीं सके क्यों कि

उस के लिये खास कमरे की जरूरत थी और वह कमरा तैयार नहीं था । फिर जब यह मशीन लगाई गई तो इस के ट्यूब में नुक्स आ गया और फिर हमें नये ट्यूब लगाने पड़े और इस को अभी फिर दुरुस्त किया गया है और अब इस को काम में लाया जा रहा है । इस वक्त में यह नहीं कह सकती कि कितनी तसवीरों की गई हैं ।

[Rajkumari Amrit Kaur: This machine arrived in March, 1950 but it could not be installed immediately because the special room required for it was not ready. When it was installed, its tube developed a defect. New tubes had to be fitted. Recently it has been set right and is being used. I cannot say just now as to how many prints have been taken from this machine.]

श्री कन्हैया लाल बालमीकी : क्या यह सच है कि पेमेण्ट तो नई मशीन के लिये हुआ है, और जैसा कि आप के बयान से जाहिर होता है, पुरानी और इस्तेमालशुदा मशीन मिली है ?

[Shri Balmiki: Is it a fact that payment was made for a new machine and as is apparent from your statement, we got an old and used one?]

राजकुमारी अमृतकौर : यह बिल्कुल गलत खबर है । जब यह इल्जाम लगाया गया था तो हम लोगों ने उस की काफी छानबीन की थी । वह मशीन बिल्कुल नई है । जिस तारीख को वह विलायत से आई है वह तारीख भी हम को मालूम है । वह कहीं इस्तेमाल नहीं की गई थी ।

[Rajkumari Amrit Kaur: This is entirely wrong, when this allegation was made we made a thorough enquiry. This is a brand new machine. We also know the date on which it arrived from abroad. It had never been used before.]

Shri Krishnanand Rai: May I know what charges Government had to bear in replacing these tubes?

Rajkumari Amrit Kaur: Government has not had to bear any charges. Naturally the firm has done all that.

बाबू रामनारायण सिंह : वह मशीन ठीक थी या नहीं इस की जांच किसने की थी ?

[Babu Ramnarayan Singh: Who examined the machine to find out whether or not it was in order?]

राजकुमारी अमृतकौर : हमारी कमेटी की तरफ से जांच की गई थी ।

[Rajkumari Amrit Kaur: It was inspected by our Committee.]

बाबू रामनारायण सिंह : क्या उस कमेटी में ऐक्सपर्ट लोग थे जिन्होंने जांच की थी ?

[Babu Ramnarayan Singh: Did the Committee which carried out the inspection include experts?]

राजकुमारी अमृतकौर : चाहे कमेटी में ऐक्सपर्ट हों या न हों, ऐक्सपर्ट की मदद तो ली जा सकती है ।

[Rajkumari Amrit Kaur: The Committee may or may not include experts but they can obtain expert advice.]

BILL ON LAW OF CITIZENSHIP

*1527. **Shri G. S. Guha:** Will the Minister of Home Affairs be pleased to refer to my starred question No. 4806, dated the 2nd June, 1951 and state:

(a) whether the draft of the Bill on the Law of Citizenship in India has been finalised; and

(b) if not, what is the cause of the delay?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The draft has not yet been finalised. The subject matter of the Bill requires a great deal of consideration and examination of several aspects of jurisprudence and internal and external policy and is necessarily taking time.

Shri G. S. Guha: Is it likely to be introduced in the next session of Parliament in February?

Shri Rajagopalachari: I do not know about that, but it will be introduced in the next year.

DIRECTOR OF STATISTICAL SECTION OF HEALTH DEPARTMENT (U.S.A.)

*1528. **Shri Sidhva:** (a) Will the Minister of Health be pleased to state whether the Director of Statistical Section of the Health Department of Baltimore (U.S.A.) has arrived in India; and if so, for what purpose?

(b) Will Government share the expenditure of his mission?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) Yes. Dr. W. Thurber Fales, Director of Statistics, Baltimore State Health

Department (U.S.A.) has arrived in India to conduct a survey of the vital and health statistics situation obtaining here as a part of a W.H.O. programme of study covering the whole of the South East Asia Region.

(b) The estimated expenditure to the Government of India on account of the visit of the Statistical Specialist is Rs. 700 on account of the internal travel charges in India. The W.H.O. are meeting all other expenses incidental to the visit of the expert viz. his salary, *per diem* allowance, travel cost to India, etc.

Shri Sidhva: May I know whether the Government of India had any statistics by themselves in the past, and if not, are any new statistics going to be taken by this Director?

Rajkumari Amrit Kaur: The Government of India is well supplied with statistics, because we have got a chapter on vital statistics in Volume II of the Bhole Committee Report and then there is the Vital Statistics Committee Report of 1949 also, and the Registrar General of India is also applying his mind to the problem of vital statistics in order to evolve a cheap method of statistical compilation etc. in our country, but we have accepted this survey mainly because if we had been left out the most significant part of the South East Asian zone would have been excluded from the survey and therefore we did not refuse the W.H.O. offer.

Mr. Deputy-Speaker: 1529.

Shri M. Naik: I suggest that 1537 may be answered with this.

Shri Krishnanand Rai: It is my question. I agree, Sir.

Shri Sonavane: I suggest that 1552, which is mine, may also be answered with this.

Mr. Deputy-Speaker: The hon. Minister may answer 1529, 1537 and 1552 together.

TITANIUM AND ILMENITE

*1529. **Shri Jnani Ram:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the places where Titanium and Ilmenite sands are available;

(b) the quantity of production in years 1949-50 and 1950-51; and

(c) the quantity exported?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Titanium is manufactured from ilmenite sands. Deposits of

ilmenite sands occur at various places on the West Coast. There are also some isolated patches on the East Coast.

(b) and (c). A statement giving the information available is laid on the Table of the House.

STATEMENT

The figures regarding the production and export of ilmenite.

Year	Production (Tons)	Export (Tons)
1949	308,180	241,763
1950 Up to March	67,522	103,621

N.B.—Figures regarding the production and export of ilmenite for April—December, 1950 and for 1950-51 are not yet available.

ILMENITE

*1537. **Shri Krishnanand Rai:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether Government have got any scheme to utilise ilmenite sand discovered in Bombay in manufacturing Titanium on large-scale in India; and

(b) what is the present output of Titanium in India, and how it is utilised?

The Minister of Natural Resources and Scientific Research (**Shri Sri Prakasa**): (a) and (b). Titanium is manufactured from ilmenite sands. A factory for the production of Titanium-dioxide from ilmenite is being set up at Trivandrum by Travancore Titanium Products Ltd.,—a private limited company registered under the Indian Companies Act of 1913. The factory is expected to start production in the near future.

ILMENITE

*1552. **Shri Sonavane:** Will the Minister of Natural Resources and Scientific Research be pleased to state what agency is working the production of Titanium out of the ilmenite sands and whether the State of Bombay has any control over the same?

The Minister of Natural Resources and Scientific Research (**Shri Sri Prakasa**): The attention of the hon. Member is drawn to the answer to starred question No. 1537 just given.

Shri Jnani Ram: During this year, how much ilmenite has been exported and to which countries?

Shri Sri Prakasa: I am sorry I have not got the list of countries. It is exported mostly to America, if I am not mistaken.

Shri Sidhva: In the last session the hon. Minister replied in answer to one of my questions that that ilmenite found in certain parts of Bombay State, which was attempted to be unauthorisedly exported, was held over. What became of that ilmenite?

Shri Sri Prakasa: That is not part of the question. I am not, therefore, in a position to answer it.

Shri Sonavane: What is the percentage of ilmenite exported by India in comparison with the total consumption of ilmenite throughout the world?

Shri Sri Prakasa: I have not worked out the figures in such detail.

Shri Amolakh Chand: May I know if titanium and ilmenite are used in India or only exported?

Shri Sri Prakasa: So far we have not been able to utilise our titanium and we have been exporting it. It comes back to us in the form of titanium dioxide. When the factory will start working, we shall be able to manufacture titanium dioxide ourselves.

Shri Syamnandan Sahaya: Are our titanium and ilmenite sands used for the purpose of manufacture of atomic bombs?

Shri Sri Prakasa: No, Sir.

Shri M. Nalk: May I know, Sir, in what particular localities on the Eastern Coast ilmenite sands are found and whether all of them have been worked?

Shri Sri Prakasa: As I said, they are found on the West Coast. I am afraid I cannot give further information.

Shri Alexander: May I know what proportion of the capital of the Titanium Products Company in Trivandrum is owned by Indians?

Shri Sri Prakasa: The Government of Travancore-Cochin holds 51 per cent. of the shares of this concern and the present capital of the company is Rs. 36 lakhs.

Shri R. Velayudhan: May I know when this factory will begin production?

Shri Sri Prakasa: That is more than I can say.

Shri Sonavane: May I know whether any royalty is paid to the Bombay Government for the titanium exported?

Shri Sri Prakasa: I cannot say.

Shri Sonavane: May I know whether any royalty is paid to the Bombay Government for the titanium exported?

Shri Sri Prakasa: I cannot say.

Shri Amolakh Chand: May I know whether any experiments are being carried on in the Ministry of N.R. and S.R. regarding the use of titanium and ilmenite?

Shri Sri Prakasa: I think so, Sir.

SALE OF GRAINS

*1530. **Shri Jnani Ram:** Will the Minister of Finance be pleased to state:

(a) the approximate amount which will be received by sale proceeds of grains obtained from America under the Lease and Lend Bill, in the year 1951-52; and

(b) the amount to be spent under different heads and in different States and projects?

The Minister of Finance (Shri C. D. Deshmukh): (a) The American loan wheat will not be received under the Lease and Lend Bill but under the "Loan Agreement between the Government of India and the Export-Import Bank of Washington". It is expected that out of the total quantity of 20 lakh tons, about 18 lakh tons will be sold in 1951-52. The net sale proceeds for these 18 lakh tons, after excluding cost of freight and the loss on account of difference between the procurement price of the loan wheat and the average pool price of all kinds of imported wheat, as well as other incidental charges, is estimated to be Rs. 64 crores.

(b) The Sale proceeds of the American loan wheat will be funded in a Special Development Fund, for which a *proforma* account will be maintained outside the regular accounts. The money in this Fund will be mainly available for granting short and medium term loans to State Governments, but the rules of the Fund will also provide for making grants to States in Special cases and for recoupment of the expenditure on certain capital schemes of the Central Government. The overall allocation of the money from the Fund each year would be decided in the light of the prevailing economic situation and the general financial position. The schemes eligible for such assistance in 1951-52 have not yet been settled.

Shri Jnani Ram: May I know the value of wheat received up to September?

Shri C. D. Deshmukh: I am sorry I shall require notice of that question.

Shri Jnani Ram: May I know whether the wheat is supplied to the States on credit or on cash basis?

Shri C. D. Deshmukh: The intention is to advance the money on short and medium term credit.

Shri R. Velayudhan: May I know, whether the incidental charges of Rs. 63 crores is on 20 lakhs tons of wheat we are getting from America?

Shri C. D. Deshmukh: In spite of my best efforts the hon. Member has not heard me. Rs. 64 crores is the net sale proceeds of the 18 lakh tons, after excluding cost of freight, the loss on account of difference between procurement price of the local wheat and the average pool price of all kinds of imported wheat as well as other incidental charges. That is to say the net sale proceed are estimated to be Rs. 64 crores.

Dr. Ram Subhag Singh: May I know what is the difference between the price of procured and imported wheat?

Shri C. D. Deshmukh: The imported wheat is landed here at a cost of about Rs. 22 per maund, while the cost of procured wheat varies, but by the time it is issued to the rationed areas it is Rs. 17 to 18 per maund.

Shri Shiv Charan Lal: May I know how much money approximately will have to be paid according to the agreement every year towards the price of this wheat?

Shri C. D. Deshmukh: I think that is an arithmetical calculation.—a loan of Rs. 95 crores to be repaid in 35 years: interest at 2½ per cent.

Shri A. C. Guha: May I know the total incidental charges and the loss that will have to be incurred.

Shri C. D. Deshmukh: I cannot give the break-up of the loss.

Shri A. C. Guha: I would like to know the total loss.

Shri C. D. Deshmukh: Total loss may be of the order of about Rs. 25 crores on Rs. 95 crores, obviously because it costs us Rs. 22 to import and we issued it at Rs. 18 or 19 per maund.

Shri A. C. Guha: May I know the freight charge?

Shri C. D. Deshmukh: I have not got the details of it. But it keeps on varying with separate consignments. I am not in a position to give the total figure of freight charge.

Mr. Deputy-Speaker: Now, papers to be laid on the Table.

Shri A. C. Guha: The hon. Minister for Natural Resources and Scientific Research was to reply to certain questions. There were three questions.

Mr. Deputy-Speaker: All right.

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): Now, Sir, I offered to answer the questions. If it is so wanted, I will answer the questions. I do not think there is any more necessity.

Mr. Deputy-Speaker: The hon. Minister has already told the House that he would answer.

Shri Sri Prakasa: Would he like me to answer all the three?

Mr. Deputy-Speaker: All the three arise out of the same matter.

Shri Sri Prakasa: I shall explain the matter so that no supplementary questions may be asked.

Question No. 1516.

The estimates prepared in 1947 is under revision.....

Shri Shiva Rao: On a point of order, Sir, the hon. Minister is not audible.

Shri Sri Prakasa: Question 1516.

HIRAKUD PROJECT

*1516. **Shri S. N. Sinha:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the estimate of the cost of the Hirakud Project prepared in 1947 has since been revised on the basis of current prices; and

(b) if not, when will the present estimate be revised, and pending such revision on what basis funds are being made available for the Project?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The estimate prepared in 1947 is under revision on the basis of current prices.

(b) The revised estimate will be ready by the end of October or in November, 1951. In the meantime, funds for the execution of the project are advanced with due regard to the programme of construction and the availability of finances for the purpose.

SLEEPERS FOR HIRAKUD

*1517. **Shri S. N. Sinha:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether a large order for sleepers for Hirakud was placed with the East Punjab without financial consultation and the Chief

Engineer's approval, although better sleepers of *sal* timber could be had locally at a lower price?

(b) If the answer to part (a) above be in the affirmative, who was responsible for placing the order and what action has been taken against the officer concerned?

(c) How are work-charged personnel recruited and are there persons among them who receive higher pay than the overseers who supervise their work?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) and (b). An order for 24,000 sleepers for the Hirakud Dam Project was placed with the East Punjab through the State Forest Department who had a rate contract for supply of timber to Government Departments. This was done after all supplies available locally had been taken up, and after verification from the Sleeper Pool to whom all the forest contractors in Orissa were making their supplies under agreements, that it was not possible for them to meet any demands before March, 1951. Delay in supplies would have resulted in complete loss of working season and very heavy costs in carriage of material to the Subsidiary Dam by other means of transport. The order was placed within the financial powers of the Superintending Engineer; and the Chief Engineer later confirmed the action taken. Since no negotiations took place and no contract was entered into, there was no need for prior consultation with the Financial Adviser and Chief Accounts Officer. The supplies from East Punjab were effected by the authorised forest lessees of the State Government on Government schedule of rates.

A statement showing comparative cost of first class sleepers supplied to Hirakud Dam Project from different sources since October, 1950, is placed on the Table of the House. [See Appendix IX, annexure No. 25.]

It would be seen from this statement that the supplies obtained from the East Punjab Forest Department were at competitive rates. This supply enabled the project authorities to tide over a critical period of short supply of timber for their works. No blame thus lies on anyone for this transaction. The question of taking action against any persons does not, therefore, arise. I should add that if this order had not been placed, there would have been a serious setback in the progress of work.

(c) Work-charged personnel are recruited by advertisement through employment exchange and personal interviews. They are appointed by competent authorities. Some work-charged men get more pay than supervisors but in such cases they are generally placed under Sub-divisional Officers.

ITEMS OF WORK IN HIRAKUD PROJECT

*1518. **Shri S. N. Sinha:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is a fact that at one time there were about 500 items of work in progress in the Hirakud Project for which no estimates had been submitted?

(b) Is it also a fact that disbursements totalling Rs. 2.5 crores approximately are under objection and that this amount represents practically all that had been spent on the Project upto April, 1951 barring the expenditure on establishment, stock and land?

(c) What is the actual cost of the Mahanadi bridge as against the sanctioned estimate?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The maximum reported number of items of work taken in hand without sanctioned estimates at any time is 293 out of a total of about 1,500.

(b) The detailed figures have been asked for and will on receipt be laid on the Table of the House.

(c) The actual cost of the Mahanadi Bridge as reported is Rs. 55.7 lakhs against the estimate of Rs. 42.7 lakhs.

Shri A. Joseph: Would you allow me also to put my question No. 1559?

Mr. Deputy-Speaker: No, no. No supplementaries. It is a statement made by the hon. Minister at his pleasure.

WRITTEN ANSWERS TO QUESTIONS

DEPUTATIONISTS FROM STATES

*1515. **Shri Rathnaswamy:** (a) Will the Minister of **Home Affairs** be pleased to state how many deputationists from the State Government offices and also subordinate offices of the Government of India located in the States are at present working under the Government of India in the capacity of (i) Gazetted Officers and (ii) Non-Gazetted Officers?

(b) How many of these are confirmed and absorbed in the Services in the Government of India?

(c) How many of the deputationists lent by the State Governments have been sent back to their parent offices during the last two years?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). I would invite the attention of the hon. Member to the information I promised in reply to Starred Question No. 3260 asked by Dr. Deshmukh which was laid before the House yesterday. Briefly, there were then about 908 deputationists employed in the Central Secretariat and 156 were sent away to posts outside the Central Secretariat during the period 1st January, 1949 to 1st April, 1951. That information, however, related only to the Central Secretariat, and not for all offices of the Government of India. Separate figures regarding gazetted and non-gazetted officers were also not obtained. The term Government of India includes not only the Central Secretariat but its Attached and Subordinate offices. Officers from Subordinate Offices attached to headquarters are not to be treated as on deputation either for purposes of postings or reversions. The detailed information wanted in the question is not likely to be available during the life of the present Parliament.

PRISON REFORMS

*1521. **Shri S. N. Das:** (a) Will the Minister of **Home Affairs** be pleased to state whether the question of prison reforms has recently been considered on an all-India basis?

(b) Have Government any information regarding the starting of a new division of Criminology and Correctional Administration by the Tata Institute of Social Sciences?

(c) Has the Planning Commission given thought to this problem?

(d) If so, has it suggested any scheme?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (d). The subject falls within the sphere of the State Governments. The Government of India have not so far taken up the question. Hon. Member may kindly refer to my reply to question No. 1405 on the 28th September, 1951. The attention of the hon. Member is also invited to paragraph 17 of Chapter 18 of Part III of the Draft Outline of the First Five-Year Plan prepared by the Planning Commission, wherein they have put down their thoughts on the subject.

ANNUAL REPORT OF THE UNION PUBLIC SERVICE COMMISSION

*1525. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether the annual report of the Union Public Service Commission has been received by the President; and

(b) if so, when it will be laid before Parliament, along with the prescribed Explanatory Memorandum?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The report was received by Government on the 1st October, 1946. The Explanatory Memorandum, as respects the cases in which the advice of the Commission was not accepted, is under preparation. Though the time available is extremely short, in response to the suggestion contained in this and previous questions, Government will endeavour to lay the report and the memorandum before Parliament before the close of the current session. It may not, however, be possible to supply printed copies.

CONSULTATIVE COMMITTEE OF COLOMBO PLAN

*1530-A. **Shri Lakshmanan:** Will the Minister of Finance be pleased to state:

(a) whether there has been any consultation among the Commonwealth Governments regarding the next meeting of the Consultative Committee of the Colombo Plan;

(b) if so, whether any decision has been arrived at regarding its time and venue; and

(c) what are the subjects which Government propose to discuss in the Conference?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). There has been some consultation among the Commonwealth Governments regarding the next meeting of the Consultative Committee of the Colombo Plan. But no final decision has yet been arrived at regarding its time and venue. The main purpose of the meeting would be to approve of the draft Annual Report of the Committee.

SETTLING OF EX-SERVICEMEN

*1530-B. **Shri Thimmappa Gowda:** (a) Will the Minister of Defence be pleased to state whether any scheme has been prepared by the Mysore Government to settle ex-servicemen and if so, the details of the scheme?

(b) How many of the ex-servicemen in Mysore have been employed in Gov-

ernment services and how many of them are still to be employed?

(c) What is the amount asked by the State Government to resettle them, the amount promised by the Government of India and the amount that has been actually paid to the State Government?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) Yes. A statement is laid on the Table of the House.

(b) About 500 released persons have registered themselves for employment, and of these 350 have secured employment in Government service. Efforts are being made to find employment for the remaining.

(c) The Mysore Government have asked for a sum of Rs. 41 Lacs for all the resettlement schemes prepared by them. The Government of India have suggested certain modifications which would reduce the total expenditure. The question of contribution by the Government of India will be settled when agreement is reached on this point.

STATEMENT

The Schemes proposed by the Mysore Government for resettling of Ex-servicemen.

Schemes	No. of men expected to be absorbed
Land Colonisation in Shimoga and Mysore Districts	250
Individual settlement on land	100
Technical Training for men	325
Smaller enterprises	512
Tractor Organisations—2 Units	38
Central Auto-Workshop servicing Station and lorry services at Bangalore	80
Auto-workshops servicing stations in 7 district Headquarters	180
Auto-Rickshaw Service at Bangalore	38
Silk Filatures at Sidlaghatta and Mauballi	381
TOTAL	1,909

CUSTOMS AND EXCISE DUTIES

*1531. **Shri Lakshmanan:** (a) Will the Minister of Finance be pleased to state the total receipts from Customs and Excise duties for the first quarter of the financial year 1951-52?

(b) What has been the receipt on these accounts for the corresponding period in the year 1950-51?

(c) If there has been an increase over last year, what is the main factor that has contributed to this increase?

The Minister of State for Finance (Shri Tyagi): (a) and (b). The total net collections of Customs and of Central Excise Duties levied under the Central Excise and Salt Act, 1944, during the period in question are as follows:

Period	Amount (Rs.)	
	Customs	Central Excise
(i) Quarter ended June 1951	56,76,93,000	22,30,13,000
(ii) Quarter ended June 1950	27,64,76,000	17,80,56,000

(c) (i) *Customs*: The increase in revenue is due to the following factors, *viz.*

(1) increase of imports of consumer goods in recent months as a result of a more liberal import policy;

(2) export duties having been levied or enhanced in respect of certain items; and

(3) imposition of a new surcharge of import duty under the Finance Act, 1951.

(ii) *Central Excise*: The increase in revenue is due to the following factors, namely:

(1) increase in the rates of central excise duty on tobacco;

(2) surcharge on motor spirit and cigarettes which was imposed under the Finance Act, 1951, with effect from 1st March 1951; and

(3) increased production of certain excisable commodities *viz.*, Matches, Motor Spirit, Steel Ingots, Tyres, Vegetable Product, Coffee, Tea and Cloth.

MOBILE CLINIC

***1531-A. Shri Kshudiram Mahata:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that a mobile clinic has been presented as a gift by Lady Mountbatten to India; if so, when;

(b) whether it has arrived in India;

(c) what the market price of such a mobile clinic will be; and

(d) the recurring cost of this per annum except the cost of medicine and other articles of the clinic?

The Minister of Health and Communications (Rajkumari Amrit Kaur):

(a) Government have purchased a mobile clinic from the United Kingdom at a cost of £ 2,250 excluding £ 1,110 on account of freight charges and customs duty. Lady Mountbatten has contributed £ 1,000 for the purchase of the Clinic. It was formally handed over to me on the 14th June, 1951, when I was in London.

(b) Yes.

(c) Very much more than has been paid for it.

(d) Rs. 5,220.

AGREEMENT WITH U.S.A. REGARDING ENGINEERING SERVICES

***1532. Shri Rudrappa:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether an agreement has been entered into between the Government of India and the Government of U.S.A. under which the latter will furnish to the former the Scientific and Engineering Services connected with the river valley projects through U.S. Bureau of Reclamation; and

(b) if so, the nature and the scope of the services to be rendered?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, Sir.

(b) A copy of the agreement is laid on the Table of the House. [See Appendix IX, annexure No. 26.]

'CONSCIENCE MONEY'

***1533. Shri Rudrappa:** Will the Minister of Finance be pleased to state the amount of "Conscience Money" so far received by Government in respect of unpaid income-tax revenue?

The Minister of State for Finance (Shri Tyagi): The amount of income-tax received as "conscience money" from anonymous tax evaders up till now is Rs. 41,012.

CONTROL OVER 'STUDY TOURS'

***1534. Dr. Ram Subhag Singh:** Will the Minister of Education be pleased to state:

(a) whether it is under Government's contemplation to impose certain amount of control over foreign invitations to Indian citizens for free "study tours" abroad; and

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

The Minister of Education (Maulana Azad): (a) No, Sir, except that Government Officials have to obtain the

permission of Government before accepting such invitations.

(b) Does not arise.

AIR NAVIGATION TRAINING

*1535. **Dr. Ram Subhag Singh:** (a) Will the Minister of Defence be pleased to state whether some Indian naval ratings have been sent to Britain to undergo air navigation training in the Royal Navy's establishments there?

(b) If so, what is the number of ratings who are at present undergoing training there?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) No.

(b) Does not arise.

"BUY INDIAN GOODS" CAMPAIGN

*1536. **Dr. Ram Subhag Singh:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a campaign known as the "Buy Indian Goods" has been started in the Indian Army; and

(b) if so, when was this campaign launched?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) and (b). It has been our policy to patronise indigenous goods since the inauguration of the Canteen Stores Department (India) in January 1948.

MEETING OF WORLD BANK AND I.M.F.

*1537-A. **Shri Krishnanand Rai:** Will the Minister of Finance be pleased to state:

(a) whether representatives of India have taken part in the meetings of the Governing Bodies of the World Bank and the International Monetary Fund, held in Washington on 10th September, 1951;

(b) If so, what were the subjects discussed there;

(c) whether the question of the valuation of Pakistan rupee was also discussed and if so, with what result; and

(d) whether any loan to India was agreed upon and if so, its nature?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) and (c). I have not yet received the report of actual discussions at the last annual meeting of the Boards of Governors of the International Monetary Fund and the International Bank but I place on the Table of the House a statement showing the provisional agenda, of which we had

received notice before the meeting. [See Appendix IX, annexure No. 27.]

(d) No, Sir.

GRANTS TO MYSORE

*1538. **Shri Thimmappa Gowda:** Will the Minister of Finance be pleased to state:

(a) whether the Mysore Government have asked for grants and loans, to execute their various development schemes and if so, how much;

(b) whether Government have sanctioned any grants or loans to this State and the amount that they have actually paid; and

(c) the various development schemes submitted by the State Government and approved of by the Government of India?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir. The Mysore Government have asked for a loan of Rs. 3½ crores and a grant of Rs. 2 crores in connection with the implementation of their development schemes in the financial year 1951-52.

(b) and (c). The request for assistance in 1951-52 and the various schemes for which such assistance will be given are under consideration.

भारतीय प्रशासी सेवाएं (आई० ए० एस०)

*१५३९ श्री कांगडे: क्या गृह कार्य मंत्री यह बतलाने की कृपा करेंगे कि क्या यह एक तथ्य है कि भारतीय प्रशासी सेवाओं के उम्मीदवार जो उस वर्ष नौकरी में नहीं लगाये जाते हैं जिस वर्ष कि वह उस परीक्षा में उत्तीर्ण हुए हों कभी भी किसी अगले वर्ष में सेवायुक्त नहीं किये जायेंगे ?

I.A.S.

[*1539. **Shri Jangde:** Will the Minister of Home Affairs be pleased to state whether it is a fact that the I.A.S. candidates, who are not employed in the year in which they have passed the examination, would never be employed in any subsequent year?]

The Minister of Home Affairs (Shri Rajagopalachari): There is not much meaning in the phrase 'passed the examination' as the examination is for selecting the required number from among the best. It is not a degree examination where those who qualify pass and get entitled to something. Candidates who fail to secure a place in the required top numbers and therefore fail to secure appointment upon the results of the examination held in any particular year are not, on the basis of that examination, eligible to qualify for appointment in subsequent years. Such candidates have to appear for examinations held

in subsequent years. The age-limit of course applies. There is no bar against their being appointed on the results of such examination in any year if they qualify and secure a sufficiently high position in the order of merit, whatever their previous performance might have been.

अनुसूचित जातीय आई० ए० एस० उम्मीदवार

*१५४० श्री जांगडे: क्या गृह कार्य मंत्री यह बतलाने की कृपा करेंगे कि क्या भारतीय प्रशासी सेवाओं की परीक्षाओं में उत्तीर्ण अनुसूचित जातियों के सभी उम्मीदवारों को सेवायुक्त किया जाता है ?

SCHEDULED CASTE I.A.S. CANDIDATES

[*1540. Shri Jangde: Will the Minister of Home Affairs be pleased to state whether all the successful Scheduled Caste candidates in the I.A.S. examinations are provided with employment]

The Minister of Home Affairs (Shri Rajagopalachari): All Scheduled Caste candidates who qualified in the Combined Competitive I.A.S. examinations held so far have all been absorbed in one Service or another. As the total of qualified Scheduled Caste candidates was less than the 12½ per cent. of vacancies reserved for them, they have been all absorbed irrespective of rank during the last 4 years.

INFILTRATION ACROSS TIBETO-SIKKIM BORDER

*1541. Shri A. C. Guha: Will the Minister of Home Affairs be pleased to state:

(a) whether there has been on there is danger of any infiltration of communist elements from the Tibeto-Sikkim frontier; and

(b) if so, (i) whether there has been any trouble in Sikkim and (ii) what steps Government have taken to stop such communist infiltration?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). There has been no infiltration across the Tibetan frontier such as referred to nor has there been any trouble in Sikkim. It is not in the public interest to disclose all the frontier security steps taken by Government.

ADVISORY COMMISSION

*1542. Shri A. C. Guha: Will the Minister of Finance be pleased to state:

(a) whether the Advisory Commission set up under the Companies Act

(Amendment) Ordinance has considered any cases;

(b) if so, the number and the nature of these cases; and

(c) whether Government propose to set up any branch or office of the Commission in important business and commercial centres?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The Commission considered 22 cases from 21st July to 20th September, 1951. The nature of these cases has been indicated in the statement which is laid on the Table of the House. [See Appendix IX, annexure No. 28.]

(c) Not at present.

HIGHER TECHNICAL EDUCATION

*1543. Dr. Deshmukh: (a) Will the Minister of Education be pleased to state whether it is still proposed to establish four Institutes of Higher Technical Education and if so, what is the state of progress in each case?

(b) What expenditure has been incurred in each case up-to-date?

(c) Is the whole scheme likely to be reconsidered and if so, when?

(d) What is the amount so far spent on the Kharagpur Institute and what is proposed to be spent in the current year?

(e) What is the final estimate of non-recurring expenditure that would be spent on this Institute?

(f) What would be the revenue derived in 1951-52 and 1952-53?

(g) Has the expansion of technical education been considered by the Planning Commission and if so, with what result?

The Minister of Education (Maulana Azad): (a) The matter is under consideration. The present position is that of the four institutes, the Eastern one is in the course of establishment and 210 students have been admitted this year for under-graduate courses in various branches of Engineering.

(b) The total expenditure on the Eastern Institute upto the 31st March, 1951 is Rs. 55,40,063 made up as follows:

Buildings	Rs. 26,54,078
Equipment	Rs. 24,63,888
Recurring	Rs. 4,21,497

TOTAL Rs. 55,40,063

No expenditure has been incurred on any of the other Institutes.

(c) The scheme is already under consideration.

(d) The amount spent on the Kharagpur Institute is given in reply to part (b) of the question. The provision made in the budget estimates to meet the expenditure during the current year is:

Buildings	Rs. 65,26,000
Equipment	Rs. 20,00,000
Recurring	Rs. 14,64,000

(e) The final estimate of non-recurring expenditure as approved by the Standing Finance Committee in 1946 is Rs. 3,04,95,000.

(f) It is expected that the following amounts would be derived as Revenue from fees:

1951-52	Rs. 71,000
1952-53	Rs. 2,80,000

(g) Yes. The tentative conclusion of the Planning Commission incorporated in the draft outline of their report is that only the Eastern Institute should be established during the period 1951-56, in addition to projects of development of other existing technical institutions in the country.

POULTRY FARMS

*1544. **Dr. Deshmukh:** (a) Will the Minister of Defence be pleased to state whether there are any poultry farms maintained by the Defence Department, and if so, how many?

(b) What is the income and expenditure in each of the years 1948-49, 1949-50 and 1950-51?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) Yes, Sir. One poultry farm is being maintained at Ambala Cantt.

(b) The income and expenditure is as follows:

Year	Income	Expenditure
1948-49	30,989	79,005
1949-50	26,326	25,787
1950-51	62,434	60,893

TIME OF A.I.R. PROGRAMMES

*1545. **Dr. Deshmukh:** (a) Will the Minister of Information and Broadcasting be pleased to state whether it is proposed to commence All India Radio programmes at 6 in the morning?

(b) What would be the extra expenditure involved?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) No, Sir. The commencement of All India Radio programmes at 6 in the

morning is estimated to involve substantial additional expenditure which the present financial situation would not permit.

(b) Approximately Rs. 13 lakhs a year.

TECHNICAL CO-OPERATIVE AGREEMENT WITH U.S.A.

*1546. **Shri S. N. Das:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state the important features of the agreement which has been recently signed between the Government of India and the Government of U.S.A. regarding technical co-operation between the two countries specially with regard to river valley projects?

(b) How long will this agreement remain in force?

(c) Have any schemes and plans been prepared, under which Government will be able to fully utilise the opportunities provided under this agreement?

(d) If so, what is that plan?

(e) What is the estimated expenditure on this account?

(f) When will the Scheme begin to function?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) A copy of the Agreement is laid on the Table of the House. [See Appendix IX, annexure No. 26.]

(b) No time limit has been prescribed.

(c) and (d). No special scheme or plan has been prepared. The services coming under the agreement will be made available to Government as and when required in connection with the execution of the river valley projects.

(e) Under article II of the Agreement all services and advice required by Government will be performed or given only after Government have advanced sufficient funds to the Government of U. S. A. to cover the estimated cost to that Government of such services or advice.

(f) The Scheme came into force from the date of the Agreement, viz., 15th September, 1951.

SUPPLY OF ESSENTIAL COMMODITIES

*1548. **Dr. M. M. Das:** Will the Minister of Finance be pleased to state:

(a) whether the scheme for the supply of essential commodities to the civil servants of the Government of India has been wound up completely;

(b) the expenditure incurred by the Government of India upto date on the

scheme and the total amount of recoveries made so far; and

(c) the reasons why such a scheme was considered necessary and why it was wound up subsequently?

The Minister of State for Finance (Shri Tyagi): (a) Yes.

(b) The accounts have not yet been finally closed. The figures booked up to the 31st March 1951 show that a total expenditure of Rs. 1,73,74,751 was incurred on the scheme, and that so far, recoveries amounting to Rs. 1,65,74,036 have been made.

(c) Owing to the abnormal conditions created by the war, this scheme was started in 1942 with the object of providing certain essential commodities to Central Government servants at reasonable prices. This concession, along with certain other war-time concessions, was withdrawn, as recommended by the Central Pay Commission, on the introduction of the revised and increased scales of pay and allowances proposed by the Commission.

FOREIGN MEDICAL PERSONNEL

*1549. **Dr. M. M. Das:** Will the Minister of Health be pleased to state:

(a) the total number of foreign medical personnel serving under the Central Government at present; and

(b) the highest and the lowest monthly salaries including allowances, if any, payable to such employees?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) Two.

(b) One is employed in the pay scale of Rs. 375-25-400-EB-30-650-EB-30-800. The services of the other have been obtained under President Truman's Point Four programme and the Government of India are not responsible for the payment of her salary.

FOREIGN PROFITS

*1550. **Shri M. Naik:** (a) Will the Minister of Finance be pleased to state since when has the decision to exempt from income-tax foreign profits of persons resident in India been given effect to?

(b) Are there any conditions attached to such exemptions?

(c) What are the objectives of such an Exemption Scheme?

(d) What is the approximate annual loss likely to be incurred under the scheme?

The Minister of State for Finance (Shri Tyagi): (a) The decision has not yet been given effect to. That Government have, however, decided to exempt

from taxation foreign profits of residents of India which would be chargeable to tax only on remittance and not on accrual basis. This decision was announced in a Press Note dated 2nd September 1951 a copy of which is placed on the Table of the House [See Appendix IX, Annexure No. 29.] The question of undertaking necessary legislation in this regard is already under consideration. If any such amounts are remitted to India after 2nd September 1951 these will come up for consideration in the next assessment year 1952-53.

(b) Yes: the conditions are—

(i) that the remittance is received in India before 1st April 1954;

(ii) that half the amount is invested within three months of the remittance in Government securities through the Reserve Bank of India;

(iii) that such securities are kept with the Reserve Bank for custody for a minimum period of two years; and

(iv) that the remaining half is first utilised in the discharge of income-tax liability, if any.

(c) The object of the concession is to enable residents of India who have old accumulated profits abroad (mostly between the period 1933 to 1937 when such profits were not chargeable to tax except on remittance) to bring such profits for investment to India, if conditions in the other countries were unfavourable.

(d) There is no question of any loss to the Government, since the exemption applies only to such profits as but for the remittance, would not have been liable to Indian Income-tax. If these profits were not exempted, they would be diverted to other countries where their investment was considered safe. India would thus stand to lose not only the tax, but also the advantage of investment here.

KRISHNA AND KOYNA RIVER PROJECTS

*1553. **Shri Sonavane:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that a conference was held recently in Delhi with the Ministers of State Governments of Bombay, Madras and Hyderabad to consider the Krishna River and the Koyna River Projects?

(b) If so, what were the decisions taken?

(c) Has any amount been spent, so far, either by the Government of India or the State Governments for the two projects?

(d) What financial assistance are Government of India going to give for the fruition of the projects hereafter?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, Sir.

(b) A copy of the agreement arrived at that Conference has already been placed on the Table of the House vide reply given by the hon. the Prime Minister on the 31st August, 1951 to question No. 699.

(c) No expenditure has been incurred by the Government of India in this connection. The information relating to the expenditure by the State Governments concerned has been called for and will be laid on the Table of the House.

(d) The question does not arise at this stage, as the projects are mostly in investigation stage. This will be gone into if as a result of the examination of the project reports to be prepared by the State Governments concerned, the projects are found to be technically and financially feasible.

OIL

***1554. Shri Sonavane:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that a tube-well sunk for water has yielded oil in village Katakhal, 21 miles from Karimgunj?

(b) If so, what kind of oil is it and what are the potentialities of the find?

(c) Have Government done anything to explore the area and to locate the oil-wells?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) to (c). It has been ascertained from the Government of Assam that in July 1951 while a tube well pipe was being driven at Katakhal Railway Junction platform something like oil mixed with water came out from 120 feet below the surface. This oily substance was reported to be to some extent inflammable and when the incident was reported to the Railway authorities they closed the site by fencing and sealing the mouth of the tube well pipe.

The State Government referred the matter on the 28th of August 1951 to the Geological Survey of India whose report is awaited.

RARE EARTHS LIMITED

***1555. Shri Iyyanni:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the constitution of the Rare Earths Ltd. Company has been completed; and

(b) whether it is going to be managed by a foreign expert or an Indian

national with the requisite qualification?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, Sir.

(b) The factory will be managed by Indian personnel.

CARMICHAEL HOSTEL, CALCUTTA

***1555-A. Maulvi Wajed Ali:** (a) Will the Minister of Education be pleased to state whether Carmichael Hostel building at Baitakhana Road, Calcutta, is Government of India property?

(b) If so, when was it constructed and for what purpose?

The Minister of Education (Maulana Azad): (a) and (b). In 1916 the Calcutta University built some Hostels with the help of a grant from the Government of India and the Carmichael Hostel was one of them. This was to be an inter-collegiate hostel for Muslim students. According to the terms of the grant, the land on which the hostel is situated was liable to be resumed by Government if the hostel ceased to serve the purpose for which the Government grant was given. This right to resume the land now vests in the West Bengal Government because under the Government of India Act 1935 the properties of the Government of India in Bengal were transferred to the Bengal Government.

खुदाई

***१५५५ - स. श्री बी० एस० आर्य :**
शिक्षा मन्त्री यह बतलावे की कृपा करेंगे कि :

(क) क्या यह सत्य है कि भारत सरकार के पुरातत्व विभाग का वर्षाऋतु के बाद कुशान काल के एक नगर की खुदाई करने का विचार है ;

(ख) यदि यह सत्य है तो यह कार्य कब आरम्भ कर दिया जायगा और उस पर अनुमानतः कितना व्यय होगा ; तथा

(ग) इस खुदाई से सरकार को कौन कौन से ऐतिहासिक स्मृति-शेष मिलने की आशा है ?

EXCAVATIONS

[*1555-B. Shri B. S. Arya: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Archaeological Department of the Government of India is going to under-

take the excavation of a city of the Khushan period after the rainy season;

(b) if so, in what time would the work begin and what would be the estimated expenditure; and

(c) what relics of historical importance Government hope to find as a result of this excavation?]

The Minister of Education (Maulana Azad): (a) No, Sir.

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

ANCIENT MONUMENTS

*1557. **Shri G. S. Guha:** (a) Will the Minister of Education be pleased to state how many ancient monuments are being preserved under the Ancient Monuments Preservation Act and other similar Acts by the Government of India in (i) Assam, (ii) Manipur, and (iii) Tripura States?

(b) Which of these are over 1,000 years old?

(c) Are any Government publications describing these 1,000 years old monuments available for sale to the public?

(d) Are Government aware of the existence of the ruins of an old fortress town in the hills to the north of Darrang District in the Ralipara Frontier tract commonly known as "Naksapahar"?

The Minister of Education (Maulana Azad): (a) 55 monuments in Assam are protected under the Ancient Monuments Preservation Act. So far no monuments in Manipur and Tripura States have been taken over.

(b) Authoritative information is being collected.

(c) No, Sir.

(d) Yes, Sir.

SELECTION OF INDIAN POLICE OFFICERS

*1557-A. **Sardar Sochet Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the total number of Police officers who appeared before the Selection Boards in each of the two States of PEPSU and Rajasthan with a view to their integration in the Indian Police;

(b) the total number of officers in each of the above two States who were selected for the Indian Police Service;

(c) the educational qualifications, standard of training or the gallantry awards that were taken as the basis for selection; and

(d) the machinery, if any, for reviewing the cases which were turned down in the selection?

The Minister of Home Affairs (Shri Rajagopalachari): (a) P.E.P.S.U. 28.

Rajasthan 53.

(b) 10 officers have been selected from P.E.P.S.U. Service, one for immediate appointment, four as suitable for appointment after some further experience and five as having developed a right to hold posts now encadred in service until they retire.

The number of officers selected in Rajasthan is 15 of whom five are for immediate appointment, seven for appointment after gaining some further experience and three for retention in I.P.S. posts.

(c) No minimum qualifications—educational or otherwise—are prescribed. All the officers recommended for the purpose by the State Governments concerned are interviewed by the Special Recruitment Board and considered for appointment to the I.P.S.

(d) The recommendations of the Special Recruitment Board approved by the Union Public Service Commission are accepted by Government. The process of selection does not provide for any review of the cases rejected by the Special Recruitment Board.

LICENSING AUTHORITIES

*1558. **Sardar Sochet Singh:** (a) Will the Minister of Home Affairs be pleased to state who are the licensing authorities in the Punjab, P.E.P.S.U. and Rajasthan States for the purposes of the Indian Arms Act?

(b) What was the total number of licensees in each of the above three States during the last licensing year?

(c) What is the total number of licensees in each of the above three States during the current licensing year up-to-date?

(d) If there is reduction in the number of licensees, what are the reasons therefor?

The Minister of Home Affairs (Shri Rajagopalachari): (a) In Punjab and P.E.P.S.U., the District Magistrates are the licensing authorities, and in Rajasthan, a Departmental Secretary. In P.E.P.S.U., all-India possession licenses are, however, issued by the Chief Secretary.

(b) to (d). The information has been called for from the State Governments concerned and will be laid on the Table of the House in due course.

COST OF WORK DONE AT HIRAKUD

*1559. **Shri A. Joseph:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state in how many cases the department raised the rate of Rs. 40 per cub. ft. to Rs. 50 per cub. ft. in the Hirakud?

(b) If so raised, what are the special reasons to do so?

(c) What is the cost of the work done by the contractors at the dam before the date of increasing Rs. 10 per cub. ft.?

(d) Have any objections been raised by F.A. or any higher authorities for paying such a rate?

(e) Who are the personnel recommended for raising this rate?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) In the case of excavation of disintegrated rock the rate was increased from Rs. 40 to Rs. 50 per thousand cub. ft.

(b) As the former rate was unworkable it was raised as a result of tenders and after ratification by the Contract Board. The tender rates varied from Rs. 50 to Rs. 60 per thousand cub. ft. and the lowest was adopted in fixing the schedule.

(c) The information regarding the cost of work done by contractors before the 15th of January 1950 the date of increase of rate is not readily available and is being collected. It will, on receipt, be laid on the Table of the House.

(d) No objection was raised by the F.A. or any higher authorities; on the other hand the F.A. had concurred in the increased rate subject to ratification by the Contract Board which was done on the 15th of January 1950.

(e) Presuming that the hon. Member wants to know the designation of the persons who recommended the raising of the rate, the answer is that the increase was accepted by the Chief Engineer on the recommendation of the Executive Engineer Canal Division No. 1.

GRANT TO ANDHRA UNIVERSITY

*1560. **Shri A. Joseph:** Will the Minister of Education be pleased to state whether any petition has been received by the Government of India asking for the grant of any money for the Andhra University and if so, for what purpose the grant has been asked for?

The Minister of Education (Maulana Azad): Government have received a request for a grant from Andhra University for a course in Paints and

Plastics, costing Rs. 8.30 lakhs non-recurring, Rs. 1.03 lakhs recurring, to be established on the occasion of its Silver Jubilee.

BROADCASTING SETS

*1561. **Shri A. Joseph:** Will the Minister of **Information and Broadcasting** be pleased to state the number of broadcasting sets in the possession of the Ministry and their capacity?

The Minister of State for Information and Broadcasting (Shri Diwakar): A statement is laid on the Table of the House on the assumption that the hon. Member requires information regarding broadcasting transmitters installed and in operation and those lying in storage. [See Appendix IX, annexure No. 30.]

WIRELESS TRANSMITTERS (BOMBAY)

*1562. **Shri Sarwate:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) how many, if any, wireless transmitter sets are lying unused in the godown of the A.I.R. at Bombay;

(b) what is the sum, which is annually spent, to keep these Transmitter sets usable and further by way of inspecting them to keep them in repairs;

(c) whether any of these sets can be utilized in a radio-station to be erected in Madhya Bharat or Rajasthan;

(d) the number of license-holders in (i) Madhya Bharat (ii) Rajasthan; and

(e) whether Government propose to open a radio-station in the immediate future in Madhya Bharat and Rajasthan?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) Two 50-KW transmitters are stored in the godowns at Bombay.

(b) The annual expenditure on storage including watch and ward is Rs. 20,000 approximately. The transmitters are lying in storage in their original packing and there has been no expenditure by way of inspection, etc.

(c) There is no proposal to set up a 50-KW Station in either State.

(d) The requisite information is not available as statistics regarding issue of licences are maintained postal circle-wise and not State-wise.

(e) Broadcasting Stations are provided for both States in A.I.R.'s revised Five-Years Development Plan but these Stations are not expected to be installed in the immediate future.

DEMONSTRATION AGAINST HINDU CODE

*1563. **Shri Syamnandan Sahaya:** (a) Will the Minister of Home Affairs be pleased to state whether there has been any demonstration outside the Parliament House by those who are opposed to the Hindu Code from the 17th of September onwards?

(b) If so, how many people staged the demonstration?

(c) What action was taken by Government?

(d) Were the demonstrators arrested and if so, how many?

(e) Are the demonstrators being prosecuted in Law Courts?

(f) If not, what happened to those arrested?

(g) Was there a lathi-charge, if so, how many persons were injured and what was the nature of the injuries?

(h) Is it a fact that two of the injured persons were taken away by the police and there is no trace of them?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes.

(b) About 250 persons.

(c) The crowd was kept back from entering the notified zone round Parliament House, banned for processions and demonstrations under orders of the Deputy Commissioner, Delhi. In fact, this was also necessary to keep the roads clear for the normal flow of vehicular traffic during the session.

(d) and (e). Two of them who were violent and appeared to be determined to cause a breach of the peace were arrested under section 107/151 Cr. P. C.; one on the 17th and the other on the 18th September, 1951. These two persons are being tried according to law.

(f) Does not arise.

(g) No, Sir, There was no baton or lathi charge.

(h) The answer is in the negative.

Those who insisted on blocking the roads and forcing entry into the prohibited zone had to be physically prevented and removed from the roads. Police on duty had to form a cordon. On 17th September, 1951 Swami Karpatriji led the demonstrators on the Church Road and attempted a break through by force. Near the Parliament House gate on the Church road, there is some building material lying by the road side and it was actually at this place that Swami Karpatriji created a scence resulting in some of the policemen as well as demonstrators falling on the building material and receiving some minor injuries.

The demonstrators, both men and women, attempted a break through obviously with the intention of marching straight into the Parliament House and stage demonstrations inside. The women demonstrators assaulted the lady Police and indulged in abuses.

सूचना तथा प्रसारण मंत्रालय में छटनी

३५८. श्री जांगड़े : (क) क्या सूचना तथा प्रसारण मंत्री यह बतलाने की कृपा करेंगे कि क्या यह एक तथ्य है कि मित्त-व्ययिता के लिये उन के मन्त्रालय के कई राजपत्रित (गजेटिड) तथा अराजपत्रित (नान-गजेटिड) अधिकारियों तथा क्लर्कों की छटनी की गई है अथवा की जा रही है ?

(ख) यदि ऐसा है तो ऐसे राजपत्रित (गजेटिड) तथा अराजपत्रित (नान-गजेटिड) अधिकारियों तथा क्लर्कों के पदों की संख्या क्या है तथा कितने व्यक्तियों की छटनी की गई है ?

(ग) इस कार्यवाही से कितनी अनुमानित वार्षिक बचत के होने की सम्भावना है ?

RETRENCHMENT IN MINISTRY OF INFORMATION AND BROADCASTING

[358. **Shri Jangde:** (a) Will the Minister of Information and Broadcasting be pleased to state whether it is a fact that several Gazetted and non-Gazetted officers and clerks of his Ministry have been or are being retrenched as a measure of economy?

(b) If so, what is the number of such Gazetted, non-Gazetted and clerical posts, and the number of men retrenched?

(c) What is the estimated annual saving likely to result from this measure?]

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) to (c). The information is being collected and will be laid on the Table of the House.

हिन्दी फिल्मों

३५९. श्री जांगड़े : क्या सूचना तथा प्रसारण मंत्री ऐसी हिन्दी फिल्मों की संख्या बतलाने की कृपा करेंगे जो कि

(i) फिल्म सेन्सर बोर्ड द्वारा उसकी स्थापना से अब तक सिनेमाघरों में दिखाए जाने के लिये अनुमोदित की गई हों ;

(ii) इसी काल में उक्त बोर्ड द्वारा पूर्णतया रद्द की गई हों ; तथा

(iii) कुछ परिवर्तनों के पश्चात् अनु-
मोदित की गई हों ?

HINDI FILMS

[359. **Shri Jangde:** Will the Minister of Information and Broadcasting be pleased to state the number of Hindi films (i) approved by the Film Censor Board since its inception for release in cinema houses;

(ii) totally rejected by the said Board during the same period; and

(iii) approved by them, after certain modifications?]

The Minister of State for Information and Broadcasting (Shri Diwakar): (i) From 15th January 1951, the date of inception of the Central Board of Film Censors, upto 31st August, 338 Hindi films were certified for exhibition by the Board. This includes the figure given in part (iii) of the reply.

(ii) Nil.

(iii) 52.

POLICE ORGANISATIONS

359-A. **Dr. M. M. Das:** Will the Minister of Home Affairs be pleased to state the different Police Organisations set up under the Government of India to investigate and detect cases of bribery and corruption among officers of the Government of India?

The Minister of Home Affairs (Shri Ramesh Chandra Prasad): The Delhi Special Police Establishment is the only Police Organisation set up under the Government of India for the purpose mentioned in the question.

TECHNICAL CO-OPERATIVE PLAN

360. **Shri S. N. Das:** Will the Minister of Finance be pleased to state:

(a) the different types of Technical assistance which the Government of India have made available for other co-operating countries under Technical Co-operation Plan as envisaged in the constitution of the Council for Technical Co-operation;

(b) which of the countries have availed of the facilities provided by India; and

(c) the types of Technical assistance that India has been able to secure in other co-operating countries under this plan?

The Minister of Finance (Shri C. D. Deshmukh): (a) The different types of technical assistance which have been made available or are likely to be made available by the Government

of India under the Technical Co-operation Plan are as follows:

(1) *Experts for:*

(i) Sericulture Industry

(ii) Resident and Co-ordinating Officer for the Oil Refinery.

(iii) Consulting Chemical Engineer for the Caustic Soda Plant.

(iv) Resident and Co-ordinating Officer for the Paper Mill.

(v) Consultant on Iron and steel project.

(2) *Training facilities in:*

(i) Sugar Technology.

(ii) Statistics.

(iii) Rice Breeding.

(iv) Design, construction and irrigation.

(v) Paper manufacture.

(vi) Customs organisation.

(b) Ceylon, Thailand, Nepal and Pakistan.

(c) The types of technical assistance that India has been able to secure or is likely to secure soon are for:

(1) *Experts.*

(i) Consultant and Engineer for the Central Tractor Organisation.

(ii) Three Nursing Teachers for the Nursing College, New Delhi.

(iii) Tele-printer Engineer.

(iv) Thermal Engineer for Central Water Board Commission.

(2) *Training facilities in:*

(i) Factory Inspection.

(ii) Roads and Highway Bridges Engineering.

(iii) Aeronautics and Telecommunications.

(iv) Electrical Engineering.

(v) Design and Construction of Hydro-Electric and Thermal Power Stations.

(vi) Minimum Wage Fixation.

(vii) Textiles.

(viii) Agriculture in all its Branches.

(ix) Civil and Mechanical Engineering.

(x) Technological Subjects.

(xi) Government Administration.

(xii) Social Welfare.

(xiii) Construction of Dams.

(xiv) Forest exploitation.

(xv) Physics.

(xvi) Public Health.

(xvii) Bio-chemistry.

(xviii) Medicine in general.

SCHEDULED CASTE SCHOLARSHIPS

361. Shri Bharati: (a) Will the Minister of Education be pleased to state the number of applications received for scholarship from each State separately for Scheduled Castes, Scheduled Tribes and other Backward Classes for the year 1951-52?

(b) How many of them from each category have been selected for the award of scholarship?

(c) How many of them so selected are in the nature of renewals, and how many are for the first time?

(d) What is the amount allotted for each State separately for the Scheduled Castes, Scheduled Tribes and other Backward Classes for 1951 and 1952?

(e) What is the basis of such allotment and, if it is on the basis of population, do Government propose to lay on the Table of the House a statement showing the population of the said categories for each State?

(f) What is the total amount involved in the award of scholarships for each State and for the three categories separately?

The Minister of Education (Maulana Azad): (a) to (c). A statement containing necessary information is placed on the Table of the House. [See Appendix IX, annexure No. 31.]

(d) No separate allocation of funds is made State-wise.

(e) This does not arise.

(f) As the value of scholarships in many cases is yet to be fixed it is not possible to furnish expenditure figures State-wise for 1951-52 at this stage. The total expenditure on three categories of scholars is, however, likely to be as under:

Scheduled Castes.	Rs. 8.03.000
Scheduled Tribes	Rs. 2.92.000
Backward Classes.	Rs. 3.65.000
Total:	Rs. 14.60.000

GOVERNMENT BUILDINGS IN INDIA

361-A. Shri Sidhva: Will the Minister of Finance be pleased to state:

(a) whether Government are now in a position to state the total value and number of Government Buildings in India; and

(b) whether Government have been able to collect the information as promised, from other parts of the country?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). Not yet, Sir. The figures are still being collected.

DAIRY FARMS

362. Dr. Deshmukh: Will the Minister of Defence be pleased to state:

(a) the number of Dairy Farms maintained by the Ministry;

(b) their location;

(c) the number of cattle maintained;

(d) the amount of milk produced;

(e) the income from and expenditure on them;

(f) whether any of the farms have since been abolished and if so, how many;

(g) whether this has resulted in any saving and if so, how much in each case; and

(h) what was the total income and expenditure of each of the farms from 1946-47 to 1950-51?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) 26.

(b) to (e) and (h). A statement is laid on the Table of the House. [See Appendix IX, annexure No. 32.]

(f) Nil.

(g) Does not arise.

NEW YORK HERALD TRIBUNE

362-A Shri S. N. Das: Will the Minister of Education be pleased to state.

(a) whether it is a fact that the Government of India have accepted the invitation of the 'New York Herald Tribune' to send two students to the U.S.A. as Indian delegates to the 'New York Herald Tribune' Forum;

(b) if the answer to part (a) above be in the affirmative, whether the delegates have been selected;

(c) if not, by which date final selection will be made;

(d) what the object of this Forum is; and

(e) the ways in which the Government of India are going to help and encourage this delegation?

The Minister of Education (Maulana Azad): (a). Yes, Sir.

(b) and (c). The final selection has not yet been made; the final selection will be made by the first half of November, 1951.

(d) The object of the Forum is to help promote friendly feelings and better understanding among the young peoples of a particular age-group by bringing them together from different parts of the world. This year the Forum is confined to the countries of Middle East and South East Asia. The delegates will represent their countries in forums and class room discussions while in the States, and will get oppor-

tunities to help their opposite members in the U.S.A. to understand their viewpoints better.

(e) The Government of India will furnish to the delegates material, both pictorial and audio-visual, about India so that they may effectively represent their country during discussion.

MAINTENANCE OF INTERNEES FROM MALAYA

362-B. Shri S. N. Das: (a) Will the Minister of Home Affairs be pleased to state whether India's claims in respect of the cost of maintenance of internees from Malaya during the War have been finally settled?

(b) If not, at what stage does the negotiation stand?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). I invite the attention of the hon. Member to my reply on the 2nd May, 1951, to starred question No. 3737. A final reply from the Government of Malaya has not yet been received.

GIFT-TOYS FROM AMERICAN CHILDREN

363-A. Shri Sonavane: (a) Will the Minister of Health be pleased to state the number of parcels of gift-toys received from American children to Indian children this year?

(b) At what centres were these received and distributed?

(c) What was the agency who distributed the gift-toys at different centres?

(d) Were these toys distributed to the children of the poor and if so, the names of the localities at different centres?

(e) What was the object and intention of such gifts and whether any gift in return went to American children?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) Government are not aware of any gift parcels of toys received from American children. However, eight cartons containing about 220 toys, indoor games and tins of sweets were received in January, 1951 from C.A.R.E. (the Cooperative for American Remittances to Europe, Inc.)

(b) They were received in Delhi and distributed to the following six hospitals:

Irwin Hospital.
Safdarjang Annexe Hospital.
Willingdon Hospital and Nursing Home.
Lady Harlinge Medical College Hospital.

St. Stephen's Hospital.

Victoria Zenana Hospital.

(c) The Indian Red Cross Society.

(d) The toys were distributed to all the sick and convalescent children, numbering about 150, in the Children's Wards of the hospitals mentioned above irrespective of their social status. But the children in the wards of these hospitals are mostly poor.

(e) The toys were received as a voluntary gift from American donors for distribution among needy children. No gifts have so far been sent to America in return.

INCOME-TAX COLLECTIONS

363-B. Pandit M. B. Bhargava: Will the Minister of Finance be pleased to state:

(a) the number of assesseees who paid and the amount of tax collected under Section 18-A in each of the three financial years ended 31st March, 1949, 1950 and 1951;

(b) the amount of interest paid and penal interest received from assesseees under Section 18-A in each of the above three years; and

(c) the amount of tax collected under Section 23-B during each of the above three years and the number of assesseees?

The Minister of State for Finance (Shri Tyagi): (a) The information regarding the number of assesseees who paid advance tax under Section 18-A in the financial years in question is not readily available and its compilation would require such time and labour as will not be commensurate with the results likely to be gained thereby.

The amounts of tax collected under Section 18-A are as follows:

Year	Collections Rs. (Crores)
1948-49	64.44
1949-50	55.30
1950-51	64.77

(b) The information is given below:

Year	Interest paid	Penal interest received from assesseees
	Rs.	Rs.
1948-49	1.44 crores	18 crores
1949-50	1.46 ..	79 ..
1950-51	1.57 ..	33 ..

(c) The amount of tax collected under Section 23-B during each of the above three years is given below:

Year	Tax collected
	Rs.
1948-49	11.33 crores
1949-50	15.28 „
1950-51	16.21 „

As regards the number of assessees, the information is not readily available and its compilation would require such time and labour as will not be commensurate with the results likely to be gained thereby.

GRANTS TO Vishwa-Bharati

364. Shri Raj Kanwar: Will the Minister of Education be pleased to state:

(a) the annual recurring and non-recurring grants sanctioned by Government to Vishwabharati University;

(b) the total number of students in the University;

(c) how many of the students belong to foreign countries and their number country-wise;

(d) how many of the students, both Indian and foreign, get scholarships, stipends or other financial aid from the University;

(e) the total number of teachers in the University;

(f) the subjects taught in the University and the names of classes therein; and

(g) the medium of instruction in the University?

The Minister of Education (Maulana Azad): (a) A statement is laid on the Table of the House.

(b) to (f). Information is being collected and will be laid on the Table of the House in due course.

(g) The medium of instruction at the University stage is 'English' to be replaced by 'Hindi' as early as possible. (In the School Department the medium of instruction will continue as 'Bengali')

STATEMENT

The amounts of grants provided and sanctioned to the Vishva-Bharati during 1951-52.

Nature of Grant	Amount provided 1951-52	Amount sanctioned till 1-10-51	Purpose for which sanctioned
Recurring	4,50,000	2,00,000	General maintenance of all the departments of the University etc.
Non-recurring	3,00,000	35,000	For the construction of the buildings for students hostels and staff quarters for the teaching staff.
Loan	2,00,000		Do.

CHIEF ENGINEER (HIRAKUD PROJECT)

364-A. Shri S. N. Sinha: (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether the Chief Engineer who has been connected with the Hirakud Project for several years, is being transferred and has meanwhile been forced to go on leave?

(b) Did some Superintending Engineers openly flout the Chief Engineer and the Financial Adviser?

(c) If so, has any disciplinary action been taken against them?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The officer who was holding charge of the office of the Chief Engineer, 'Hirakud' Dam Project was recalled on 26th June, 1951 and his services placed back at the disposal of the Government of Punjab since he was on deputation from that Government. Before proceeding on transfer he applied for earned leave which was sanctioned to him.

(b) No, Sir.

(c) Does not arise.

MEDICAL OFFICERS IN GOVERNMENT SERVICE

365. Shri Sidhva: (a) Will the Minister of Health be pleased to state whether the rules permit medical officers in Government service in Delhi Hospitals to have private practice?

(b) If so, what class of such doctors are allowed private practice?

(c) Is there a schedule of fees to be charged by them when visiting patients?

(d) Do Government propose to amend the rules relating to private practice?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) and (b). Medical Officers appointed in the Irwin, Safdarjang Annexe, Hindu Rao and Willingdon Hospitals and Nursing Home under the reorganisation scheme for these hospitals sanctioned in April, 1948, except those who act as authorised medical attendants of Government servants and their families in Delhi are not allowed private practice. The medical officers who are appointed as "authorised medical attendants" of Government servants are allowed restricted private practice among the families of Government servants only. There are also some medical officers employed in certain Government hospitals in Delhi, whose terms and conditions of appointment allow them the right of private practice.

(c) In the case of authorised medical attendants of Government servants and their families a schedule of fees has been prescribed. In the case of other medical officers who are allowed private practice no schedule of fees is fixed.

(d) A proposal to withdraw the right of private practice from authorised medical attendants is under consideration.

HEALTH INSURANCE SCHEME

366. Shri Sidhva: (a) Will the Minister of Health be pleased to state whether there is any Health Insurance Scheme in India?

(b) If not, is there any proposal for such a scheme?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) and (b). There is no general scheme of Health Insurance in India. But the Employees' State Insurance Act provides for giving insured industrial workers medical service and cash payment when they fall ill, maternity benefit for women workers and compensation to all workers for disability

and death from causes arising out of their occupation. The Act also provides for an extension of its operation to all classes of workers, including agricultural workers, and to their families. Apart from this there is at present no proposal for a general scheme of Health Insurance.

FINANCING THE D.V.C.

367. Shri Sidhva: Will the Minister of Finance be pleased to refer to the answer to a supplementary question raised on starred question No. 3848 asked on the 5th May, 1951 and state what the method of repayment of the loans advanced by the Centre to the Governments of West Bengal and Bihar for financing their shares of the funds of the D.V.C.?

The Minister of Finance (Shri C. D. Deshmukh): Loans advanced by the Centre to the Governments of West Bengal and Bihar for financing their respective shares of the expenditure of the Damodar Valley Corporation are repayable to the Centre by the borrowing State Governments in one instalment at the end of 40 years unless earlier repayment is agreed upon mutually. The Government of West Bengal have agreed to repay their loans in instalments starting from 1957-58 from the proceeds of the levy of betterment fee and water rates and of the surplus accruing from power sales. No arrangement has so far been made with the Government of Bihar for earlier repayment of their loans.

INTERNATIONAL CHEMICAL CONCLAVE

368. Shri Sidhva: (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether any applications were invited for delegates to attend the International Chemical Conclave sponsored by the Ford Foundation Trust and if so, how many?

(b) How were the delegates chosen?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, Sir. Applications were invited by public advertisement and by letters to the Universities. A copy of the advertisement is laid on the Table of the House. (See Appendix [X, annexure No. 33.]

110 applications were received from Chemists and Chemical Engineers from all over India.

(b) 12 Delegates were selected from among the 110 applicants by a Special Committee set up for the purpose.

**UNESCO INTERNATIONAL COUPON
SCHEME**

369. Dr. Ram Subhag Singh: Will the Minister of Education be pleased to state:

(a) the total amount of money so far received by India from UNESCO under the UNESCO International coupon scheme for scientific material; and

(b) how many educational institutions have so far been helped by this money?

The Minister of Education (Maulana Azad): (a) No money is received from UNESCO under this Scheme. India is participating in this Scheme which has been designed to enable soft currency areas to meet their educational and scientific requirements from hard currency areas.

(b) Does not arise.

RURAL CREDIT

370. Shri A. C. Guha: Will the Minister of Finance be pleased to state:

(a) whether the Reserve Bank has introduced any modifications in the remittance rates to facilitate rural credit and freer movements of money;

(b) if so, what are the modifications;

(c) how far these will help the co-operative banks to reduce their working expenses; and

(d) how far these will help the rural credit?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) Remittance Facilities available to Commercial and Co-operative Banks and Indigenous Bankers.

Additional Remittance Facilities to State Co-operative Banks that have joined the Reserve Bank's Scheme "Extension of Remittance Transfer Facilities to State Co-operative Banks".

An Amount of Rs. 10,000 or a multiple thereof between its accounts at the offices and branches of the Reserve Bank, free of charge.

An amount of Rs. 10,000 (minimum) or in multiples of Rs. 1,000 in excess thereof between the accounts maintained by the State Co-operative banks that have joined the above, mentioned scheme at the offices and Branches of the Reserve Bank, free of charge.

Once a week an amount of Rs. 5,000 or a multiple thereof to the principal account which it maintains at the Reserve Bank, from any place at which it has an office or branch and at which there is an agency of the Reserve Bank, free of charge.

Once a week an amount of Rs. 5,000 or a multiple thereof to any account (either principal or Subsidiary) which it maintains at the Reserve Bank from any place at which there is an agency of the Reserve Bank, such remittances being permitted to each of its offices, branches, sub-office and pay offices, free of charge.

Other remittances to its principal account subject to a charge of 1/64% (Minimum Re. 1/-).

Other remittances to an account which it maintains with the Reserve Bank from a place where there is an agency of the Reserve Bank at 1/64% (Minimum Re. 1/-).

(c) and (d). The above modifications came into effect from the 1st September, 1951. Their effect, therefore, can be known only after some time has elapsed.

RADIO SETS

371. Dr. Deshmukh: (a) Will the Minister of Information and Broadcasting be pleased to state whether it is a fact that the largest number of radio sets is used in the State of Bombay?

Old Rates

New Rates

Upto Rs. 5,000 @ 1/16% (Minimum Re 1/- for Co-operative Banks and Societies and Annas four only).	Upto Rs. 5,000 @ 1/32% (Minimum Re. 1/-; for Co-operative Banks and Societies and Annas four only).
Over Rs. 5,000 @ 1/32% (Minimum Rs. 2-2-0).	Over Rs. 5,000 @ 1/64% (Minimum Rs. 1-9-0).

(b) Are Government aware that the vast number of radios is used by the Marathi-speaking people?

(c) Is it not a fact that the amount of time given to Marathi programmes bear no relations to the number of listeners?

(d) Do Government propose to consider this position and effect necessary modifications?

The Minister of State for Information and Broadcasting (Shri Diwakar):

(a) Yes, Sir.

(b) An analysis carried out according to the major spoken languages of the State at the end of 1950 showed that approximately only 35 per cent. of the licences are used by Marathi-speaking people, as against 60 per cent. by Gujerati-speaking people.

(c) No, Sir. The service rendered to Marathi-speaking listeners leaves no room for any justifiable complaint.

(d) Does not arise.

LAW REVISION COMMITTEE

372. Dr. Deshmukh: Will the Minister of Law be pleased to state whether Government have considered the advisability of appointing a Law Revision Committee?

The Minister of Law (Dr. Ambedkar): No.

SCHEMES OF GOVERNMENT TRADING

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

(a) the number and names of Schemes of Government Trading which have ceased to function since 15th August, 1947;

(b) the number of such of them as showed credit balance sheets giving figures in each case;

(c) the names of schemes which showed debit balance sheets giving figures in each case;

(d) the number and names of those which are still functioning; and

(e) the names of schemes which were started during 1950-51 and 1951-52?

The Minister of State for Finance (Shri Tyagi): (a) to (c). The number and names of such schemes are given in Statement I attached. [See Appendix IX, annexure No. 34.]

Since the accounts pertaining to these schemes have not been finally closed, no balance sheets have yet been drawn up. The statement shows the figures compiled up to the end of 1949-50.

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(d) The number and names of such schemes are given in Statement II attached. [See Appendix IX, annexure No. 34.]

(e) The three schemes shown at items Nos. 8, 9 and 10 of Statement I were started during 1950-51.

No scheme was started during 1951-52.

SYMPOSIUM OF WORLD THINKERS

374. Shri S. N. Das: Will the Minister of Education be pleased to refer to the answer given to my starred question No. 3475 asked on the 25th April, 1951 and state:

(a) whether the date and venue of the Symposium of World Thinkers proposed to be held in India has been settled;

(b) whether the list of invitees has been finalised;

(c) whether persons attending the Symposium will come as representatives of their respective Governments or in their individual capacity;

(d) whether the list of subjects to be discussed has been prepared; and

(e) how long this Symposium is going to continue?

The Minister of Education (Maulana Azad): (a) The Symposium will be held in New Delhi from 13 to 20 December, 1951.

(b) Not yet.

(c) The persons attending the Symposium are being nominated by the National Commissions of the participating States. A few outstanding philosophers are also likely to attend, at the request of Unesco, in their individual capacity.

(d) The subject chosen is the "Concept of Man and Philosophy of Education in East and West".

(e) This Symposium will last for 8 days.

POLLING STATIONS

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

(a) which of the States have finalised the fixing of polling stations for various constituencies for election to the House of People;

(b) whether the list of polling stations so provided and their polling areas have been published as required; and

(c) what is the average number of voters that each polling station will contain?

The Minister of Law (Dr. Ambedkar): (a) and (b). The lists of polling stations for elections to the House of the People have not so far been finalised in any State except Bilaspur. The draft proposals relating to the fixing of polling stations in respect of the constituencies in the States of Bihar, Madhya Pradesh, Punjab, Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra, Travancore-Cochin, Ajmer, Bilaspur, Coorg, Himachal Pradesh, Kutch and Manipur, have, however, been published by the respective State Governments. The State Governments have been asked by the Election Commission to circulate their tentative proposals to the different political parties and also give them as much publicity as possible. As soon as these tentative proposals have been finalised by the State Governments in the light of any suggestions received, they will be formally submitted by the Returning Officers of the Constituencies concerned to the Election Commission for approval.

(c) The average number of voters per booth is ordinarily 1,000. But in Madras, Uttar Pradesh, West Bengal, Travancore-Cochin, Delhi and Tripura, however, this average is about 750. A polling station may have more than one booth in which case the number of voters per polling station will be as many times the average number of voters per booth as there are booths.

INTERNATIONAL MONETARY FUND

376. Shri A. C. Guha: Will the Minister of Finance be pleased to state:

(a) whether the International Monetary Fund has promised more aids to its member countries which would fulfil certain conditions for stabilising currencies;

(b) if so, whether India fulfils these conditions;

(c) whether India intends to apply for some loan;

(d) the amount available with the International Monetary Fund at present; and

(e) the amount given so far as loan and the countries to which it has been so granted?

The Minister of Finance (Shri C. D. Deshmukh): (a) The International Monetary Fund has prescribed a procedure, in addition to and without prejudice to the existing procedures or policies, respecting the use of the resources of the Fund. The new procedure contemplates a programme of consultations by the Fund with member countries to discuss and determine certain steps which would be designed to make possible more rapid and significant progress towards the achievement of the Fund's objectives, which include the achievement of monetary stability, the adoption of realistic rates of exchange, the relaxation and removal of restrictions and discrimination, and the simplification of the multiple currency practices. If the member country undertakes such steps as are agreed to with the Fund, the use of the Fund's resources would be made available to give the member country the necessary confidence to take the exchange risks involved in adopting such policies.

(b) It is difficult to say, at this stage, whether any particular country would be able to fulfil these conditions until the consultations between the Fund and the member are conducted.

(c) None is contemplated at present.

(d) As on the 30th April, 1951, the International Monetary Fund's holdings of members' currencies for purchase by members stood at the equivalent of \$5,628.8 million (including non-negotiable, non-interest bearing securities).

(e) I place on the Table of the House a statement showing the International Monetary Fund's exchange transactions with 19 member countries totalling the equivalent of U.S. \$805 million from March, 1947, when the Fund commenced operations, to the 30th April, 1951. [See Appendix IX, annexure No. 35.]

Thursday, 4th October, 1951



सत्यमेव जयते

PARLIAMENTARY DEBATES

Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XVI, 1951

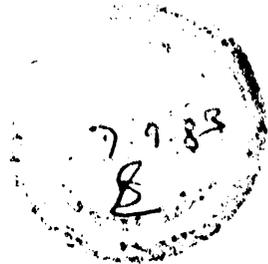
(24th September, 1951 to 16th October, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951



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CORRIGENDA

to

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

Volume XVI,—

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

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

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

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

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

(i) *صندھ ۳۳۱۵ پہلی لائن میں "دے مونا آزاد" کی جگہ "دے مولانا آزاد" لکھی*

(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. 4074 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 a new 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

4145

4146

PARLIAMENT OF INDIA

Thursday, 4th 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.

PAPERS LAID ON THE TABLE

FIRST FIVE YEAR PLAN

The Prime Minister (Shri Jawaharlal Nehru): I beg to lay on the table of the House this book containing the draft of the First Five Year Plan prepared by the Planning Commission. As a matter of fact I have previously laid these papers on the Table of the House, but they were not in a book form. This is a more convenient form for Members to consider. It has been circulated to Members. [*Placed in Library. See IV S(a)(2)*].

BUSINESS OF THE HOUSE

The Prime Minister and the Leader of the House (Shri Jawaharlal Nehru): May I make a very brief statement about the work before the House? The House will remember that I had expressed a hope that we will be able to finish our work of this session by the 6th of this month. I am afraid that is now physically impossible. Apart from the Press Bill that is being considered by the House, there is one other important measure which Government think it is imperative that we should pass in this session. That is the Industries Bill. There are some other measures too which are fairly important, but one might perhaps postpone their consideration if there is no time.

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Then there is the discussion on the Planning Commission's Report and, finally, there are the Delimitation Orders for the Upper House which should be considered by the House.

Shri Syammandan Sabaya (Bihar): Also some amendments with regard to the Lower House.

Shri Jawaharlal Nehru: Whatever it may be. It seems to me obvious that we cannot possibly do all this work by day after tomorrow even if we sit, as we are sitting, twice a day. Therefore we shall have to extend the session. I cannot precisely and definitely say how long, nor can I ask the House to sit during these very important holidays that are coming,—the Dusserah holidays, the Puja vacation. It is for you and for the House to consider whether it will be feasible to sit on Sunday next. We can get through a good deal of work then, and the next day seems to me will be the 11th of October. After that it depends how far we finish our work. There are a number of holidays before the 11th and after it. The 11th is a working day. So for the moment I would say that we will have to sit up to the 11th, apart from the holidays and in-between. As to what happens after that depends on the state of business.

Mr. Deputy-Speaker: So far as the Delimitation Orders are concerned, I believe, having regard to the nature of the work, the House will be agreeable to sit on Sunday also.

Several Hon. Members: No, no.

Mr. Deputy-Speaker: It is not an extraordinary suggestion, because the holiday on Sunday is only postponed to Monday—and not Monday only, because there are three or four holidays coming later. Therefore hon. Members may sit at a stretch and try to dispose of as much matter as possible. Then, motions on the Delimitation Orders can be moved up to the last day, that is the twentieth day. If we sit on Sunday the

[Mr. Deputy-Speaker]

motions on the Delimitation Orders can be made on that day, and if we do not sit on the 11th at all we can finish them on the 7th. But if we sit on the 11th we can deal with them on the 11th. I would like to be on the safer side. Therefore let us make up our minds whether we are sitting on the 11th or not. We will have to finish the motions on the Delimitation Orders—that will otherwise cause us inconvenience and give rise to trouble. Therefore, if it is the wish of the hon. the Prime Minister that we should sit on the 11th, let us sit on the 11th also.

Shri R. K. Chaudhuri (Assam): The 7th, is *Saptami Puja* day. How can we sit on that day? You are suggesting that we might sit on the 7th, whereas the hon. the Prime Minister says he does not wish us to sit on a *puja* holiday. (*An Hon. Member:* It is Sunday). I am not objecting to sitting on Sunday, but it is *Saptami Puja* day.

Shri Jawaharlal Nehru: There are two considerations with regard to that matter. One is, I hope, that every day is to some extent a *puja* day for hon. Members. Secondly, we can come to this House in a spirit of *puja* and worship. Thirdly, the main *puja* days are the last three or four days which are going to be treated as holidays. It depends on the state of work. But I agree with you, Sir, that apart from sitting on Sunday, the 11th might be reserved for the Delimitation Orders.

Mr. Deputy-Speaker: Very well. That will cure all kinds of differences. Personally I am not of that opinion. Anyhow, if we take up the Delimitation Orders on the 11th, twenty full days will be over and no exception will be taken to our proceedings. Therefore, the House will sit both on the 7th and the 11th.

Several Hon. Members: No, no.

Shri R. K. Chaudhuri: I have no objection to sitting on a Sunday, but as regards the 7th I have objection.

Shri Jawaharlal Nehru: May I suggest that we shall decide about sitting on the 7th, day after tomorrow, that is on Saturday?

Mr. Deputy-Speaker: The Prime Minister says that the question of sitting on the 7th or not we may decide day after tomorrow. On the 11th we are sitting.

Now, papers to be laid on the Table.

PAPERS LAID ON THE TABLE.

SUPPLEMENTARY STATEMENT SHOWING ACTION TAKEN ON ASSURANCES GIVEN DURING FOURTH SESSION

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 so far by the Government on various assurances, promises, and undertakings given during the Fourth Session of Parliament, 1951. [See Appendix XII, annexure 1.]

(i) STATEMENT *re* DEVELOPMENT SCHEMES OTHER THAN FOR GROW MORE FOOD; (ii)

STATEMENT *re* IRRIGATION AND POWER SUPPLY SCHEMES FOR GROW MORE FOOD

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table the following two statements promised in reply to supplementaries to Starred Question No. 425 on the 22nd August, 1951:

- (i) Statement regarding development schemes other than for grow more food purposes; and
- (ii) Statement regarding irrigation and power supply schemes for grow more food purposes.

[Placed in Library. See No. P—229/51].

NOTIFICATIONS IN ACCORDANCE WITH SECTION 38 OF CENTRAL EXCISES AND SALT ACT, 1944

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of each of the following notifications in accordance with section 38 of the Central Excises and Salt Act, 1944, namely:

- (1) Central Excises Notification No. 9, dated the 17th March, 1951.
- (2) Central Excises Notification No. 10, dated the 17th March, 1951.
- (3) Central Excises Notification No. 11, dated the 31st March, 1951.
- (4) Central Excises Notification No. 13, dated the 7th April, 1951.
- (5) Central Excises Notification No. 15, dated the 28th April, 1951.
- (6) Central Excises Notification No. 18, dated the 5th May, 1951.
- (7) Salt Notification No. 19, dated the 19th May, 1951.
- (8) Central Excises Notification No. 20, dated the 30th June, 1951.

(9) Central Excises Notification No. 21, dated the 30th June, 1951.

(10) Central Excises Notification No. 22, dated the 7th July, 1951.

(11) Central Excises Notification No. 24, dated the 21st July, 1951.

(12) Central Excises Notification No. 27, dated the 18th August, 1951.

[Placed in Library. See No. P-230/51.]

Mr. Deputy-Speaker: Dr. Ambedkar. Is the Report ready?

The Minister of Health (Rajkumari Armit Kaur): On behalf of...

Mr. Deputy-Speaker: It appears some more signatures have to be obtained. It is not now ready for presentation to the House. This motion may be made in the afternoon. This will stand over.

PRESS (INCITEMENT TO CRIME) BILL—contd.

Clause 3.—(Objectionable matter defined)—contd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Bill to provide against the printing and publication of incitements to crime and other objectionable matter, as reported by the Select Committee.

Shri Nasiruddin Ahmed (West Bengal): Before we begin, Sir,—I have sent an amendment to the hon. Home Minister's amendment. I do not wish to speak. It is amendment No. 320. The two may be considered together. I beg to move:

In the amendment proposed by Shri Rajagopalachari, for the proposed Explanation 2 to clause 3, substitute the following:

"Explanation 2.—In judging whether any matter is objectionable matter under the Act, the intention of the writer as expressed in the words, signs or visible representation shall be taken into consideration."

Mr. Deputy-Speaker: Amendment moved:

In the amendment proposed by Shri Rajagopalachari, for the proposed Explanation 2 to clause 3, substitute the following:

"Explanation 2.—In judging whether any matter is objectionable

matter under the Act, the intention of the writer as expressed in the words, signs or visible representation shall be taken into consideration."

Pandit Thakur Das Bhargava (Punjab): I have also tabled two amendments to the amendment of the hon. Home Minister. They have been given in the office and they will come in due course of time.

Shri Goenka (Madras): The amendment which the hon. Home Minister...

Some Hon. Members: Not audible.

Mr. Deputy-Speaker: There is nothing wrong, I understand, with the loud-speakers, except that while the hon. Member who is speaking, the other hon. Members need not talk. Then, every one will be able to hear properly.

Shri Goenka: The amendment which the hon. Home Minister wanted to move was to add an explanation which reads as follows:

"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."

One of the main objections which we have been putting forth all these days against the provisions of the Press Emergency Act as well as Section 124A of the Indian Penal Code has been that they sought to punish a person without reference to the question whether his intention was good or bad, that is where we have *mens rea* which is a necessary ingredient for a criminal offence. This imposes vicarious responsibility, namely, a person who is not responsible is being made responsible by the provisions of this amendment. I will refer to the Press and Registration of Books Act in which Editor, Printer, Publisher and the Keeper of the press have been defined. Now, the Press must be represented through somebody. All those bodies have been defined in the Press and Registration of Books Act. If the keeper of a press does some wrong, he becomes liable. If the editor does some wrong, he becomes liable. The names of the printer, publisher and all others have to be declared before the Chief Presidency Magistrate or the various authorities before whom the Declaration has to be made.

And at the time of taking the declaration these persons have to give their names, and the various purposes or duties that they perform, as editor,

[Shri Goenka]

printer, publisher and so on of such and such newspaper and so on. That is being done now. That being so, how can it be said that the person concerned cannot be found out? You may not find out the exact person, probably nobody can do that; but there are these persons who have taken on themselves these various responsibilities for whatever offence might be committed by somebody else. Even in a newspaper office if some mistake is committed by a person, we are not able to find out exactly who committed it, because the work is the production of various persons. But when some specific persons take the responsibility, there should not be any difficulty. Now the printer, the keeper, the publisher, editor and others, they take up the various responsibilities assigned to them under this Act of the Government. The mystery remains, but you penalise some one. Here you find the man who takes the responsibility for the production of the paper, for the news content, for the publication, for the keeping of the press and for the printed material. Various persons take the responsibility for the production of something which may be objectionable or may not be objectionable. That after all goes to show that we really cannot pin down, the man, the writer of the article. But the very conception of the law as it is at present, is that whoever may write the article, the editor, who controls the selection of the matter, who publishes the matter in the paper, it is his final responsibility. It is ultimately the responsibility of the editor to determine what should go into the newspaper and what should not.

Shri B. K. P. Sinha (Bihar): That is the position in law, but what is the real state of affairs?

Shri Goenka: That is also the real state of affairs. And that is the state of affairs which you want to alter by this Bill, because you want the vicarious responsibility placed on somebody else. You place the proprietors of newspapers as censors over the editors. That is what you are going to do by this Bill, although the editor is ultimately responsible for whatever is published, not only in law but in fact also.

I would like to point out that this will reverse the whole basis of criminal jurisprudence. On this there can be no two opinions. I may here cite a few sections of the Indian Penal Code where the most heinous crimes have been mentioned, but the man is not deemed guilty until the *mens rea* or intention has been proved; unless it be the case

of a drunken man trespassing, because a drunken man has no intention. Now, as I said, even the most heinous crime is no crime unless the intention is proved. Even though you may write something with good intentions, it is possible that on some mind it may have a bad effect and so you may be deemed to have had intention. In that case does the good article become objectionable matter? The intention may be quite good. I can give example after example of such articles. Mr. Shiva Rao gave some examples and I can give the House more. In such cases it is well nigh impossible to say that every sub-editor in a newspaper office can censor out the material to such an extent as to be certain that it will not produce a bad effect on some mind. Therefore this is a dangerous principle.

After all, Sir, the two big pillars of jurisprudence are, one that a man is innocent until he is proved guilty, two, that the intention or *mens rea* must be proved. But by this Bill you give the go-by to these two good principles.

A offence may be committed inadvertently and another may be committed deliberately or intentionally. The latter will become objectionable, but the former should not. But the hon. Home Minister said yesterday that if a thing is done inadvertently, the question will be decided by the Judge. The question whether the act was intentional or otherwise will be judged by the Judge. But, Sir, do you want a man to be put before the Judge and undergo all the harassment just because of something which he has done inadvertently, a small mistake or slip that he has committed most inadvertently? After all, you have to prove intention, otherwise it is not objectionable. You have to weigh the thing. The executive also will have to weigh the facts on the balance. They will have to think and there will be checks and counter-checks on their activities also, balancing and counter-balancing. But if you give authority to the executive to place any matter before the judge, that will be a wrong thing. The executive must first of all satisfy itself that a thing is done intentionally. Unless the law provides that they should be satisfied that a thing is intentionally done, there will be no check on the harassment which the executive may resort to under the existing circumstances.

Some hon. Members said that there will be discrimination against different persons. Those who support the Government will not be placed before the court and those who do not, will be brought before the courts. This is a

sort of discrimination against which you cannot legislate. Therefore the best thing to say that the intention or *mens rea* must be proved before a person is placed before the criminal court. Therefore it will be wrong for us to prosecute a man from visible signs or likely results.

This matter of "likely to" is something over which you cannot ask the court to sit in judgment. This is a matter of speculation, this question of what the likely effect of things will be. It is not a matter of fact. And you cannot ask the court to sit in judgment on speculations. And in any case the harassment will be there.

For my argument, let me give one or two examples. Take for instance sections 124 and 124A of the Indian Penal Code. Section 124 says:

"Whoever, with the intention of inducing or compelling the President of India or Governor or *Rajpramukh* of any State to exercise or refrain from exercising in any manner any of the lawful powers of such President or Governor or *Rajpramukh*,—assaults or wrongfully restrains or attempts wrongfully to restrain....."

What a heinous crime—assaulting the President. But it is not considered a crime unless the intention is there.

There must be the *mens rea* or the intention behind the crime and unless it is there it is no crime according to our own jurisprudence. I have gone through the various sections of the Indian Penal Code. Section 140 says:

"Whoever, not being a soldier, sailor or airman in the Military, Naval or Air Service of the Government of India, wears any garb or carries any token resembling any garb or token used by such a soldier....."

In putting on the garb of a soldier, he must have the intention: otherwise it is no offence.

The only exception to this is section 510, which says:

"Whoever, in a state of intoxication appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment....."

Intention cannot be attributed to an intoxicated man and hence it has been avoided in the L.P.C.

What I am submitting to the hon. Minister for his consideration is that under the whole of the Indian Penal Code no offence is an offence unless the intention is there. If I drive a car and kill a man, am I charged for murder before a court of law? No, only for rash driving, for the reason that it was not my intention to kill a person, although the effect is that the person has been killed. Therefore I am charged for rash driving and not for murder.

Section 153 of the I. P. C. uses the words "malignantly or wantonly" and section 153A says:

"Whoever by words, either spoken or written, or by signs or by visible representations, or otherwise promotes or attempts to promote feelings of enmity or hatred between different classes....."

Whether under sections 124A or 153A or under the Press Emergency Act, no punishment was supposed to be inflicted on a person without his intention being proved. Today we see in plain blunt language that intention will not be taken into account in regard to these offences which are very serious ones. All through the Indian Penal Code the intention is the main basis and pillar of the jurisprudence and that is being ignored here.

Mr. Deputy-Speaker: Even knowledge that it is likely to cause is enough under the murder section. Intention alone is not necessary.

The Minister of Home Affairs (Shri Rajagopalachari): The hon. Member knows all that and he knows too that we all know it.

Shri Goenka: If you talk of knowledge or intention it is all right but if you say that it is likely to result, that is what I object to. Knowledge, purposefully or intentionally, whatever the word used is immaterial, but there must be some motive or knowledge attributed to me, not the words "which are likely to". These words are likely to be interpreted by persons in different ways. As a lawyer I ask you, do you not interpret the same section in your own way and do you not derive different meanings from it, although the section may have been very carefully and precisely worded. Therefore it is not the interpretation of my intention as likely to do this, that or the other which should be allowed. There should be knowledge, intention or purpose. Under the present Bill, not only intention is not to be taken into account, but on whatever those words may or may not mean I am proved to be guilty.

[Shri Goenka]

Mr. Satyamurthi in 1936 introduced a Bill in the Legislative Assembly to amend section 124A of the I. P. C. saying that after the word "whoever" the words "with the intention of promotion of physical force or violence or public disorder" should be inserted. The reason was that the intention must be there, before you convict a person under section 124A.

The gravamen of my charge is that without establishing motive or intention, simply by these words you interpret in your own way and you definitely lay down that intention will not be taken into account. This is a negation of all laws that we are accustomed to in all our lifetime. Our objection to the Press Emergency law was that *mens rea* or intention or knowledge was not necessary under it. They have been bad laws. The hon. Minister himself has often objected to those laws being on the statute book and all our leaders have objected to them. But today it is our misfortune that our own Government should bring a law in plain, simple and blunt language wherein the intention is not to be taken into account. I am grateful to the hon. Minister for frankly and plainly putting before the House what his intentions are. His intention is that the intention will not be taken into account. I would invite him to read the speech of Mr. Satyamurthi in 1936 with regard to section 124A. It contains all my arguments and I do not want to take the time of the House by quoting from it to prove that some sort of intention, knowledge, *mens rea* should be introduced into the clause. Otherwise it is most objectionable and I oppose it wholly with all the emphasis at my command.

Pandit Thakur Das Bhargava: Before the hon. Minister replies to the debate there are certain amendments which we want to move.

Shri Rajagopalachari: Pandit Bhargava was on his legs yesterday for a pretty long time and finally it was brought to his notice that we were discussing only the Explanation.

Pandit Thakur Das Bhargava: I have given notice of two amendments today to the Explanation and I want to move them.

Shri Rajagopalachari: If they have been given notice of only today and if they are only suggestions, the hon. Member may state them and I will consider them.

Mr. Deputy-Speaker: If there are amendments of which notice has al-

ready been given Members would have taken note of them. These amendments are amendments to the amendment moved by the Home Minister with regard to the Explanation.

Shri Rajagopalachari: I do not object to it, but I would like to know exactly if it is a question of improvement or of suggestion.

Pandit Thakur Das Bhargava: I beg to move:

In the amendment proposed by Shri Rajagopalachari, add the following at the end of Explanation 2;

"where the likelihood of the effect mentioned in the sub-clauses is punishable as a substantive offence under the Indian Penal Code."

To clause 3 add the following new explanation:

"Explanation 2.—No matter shall be deemed to be objectionable matter unless the intention or assumed intention of the author as deducible from words signs or visible representation or otherwise is proved if intention is necessary to be proved to prove the relevant offence under the Indian Penal Code."

Shri Bharati (Madras): His second amendment is not in order—it is exactly the opposite, in substance, of the amendment moved by the hon. Home Minister. The amendment of the hon. Minister says intention is not the criterion but this amendment refers to the proving of intention.

Mr. Deputy-Speaker: Any amendment can be moved to a motion—even for its deletion.

Shri Bharati: Any amendment which has the negative effect of the original motion is not in order.

Mr. Deputy-Speaker: Both these amendments have been moved. Amendments moved:

In the amendment proposed by Shri Rajagopalachari, add the following at the end of Explanation 2:

"where the likelihood of the effect mentioned in the sub-clauses is punishable as a substantive offence under the Indian Penal Code."

To clause 3 add the following new explanation:

"Explanation 2.—No matter shall be deemed to be objectionable matter unless the intention or assumed intention of the author as

deducible from words signs or visible representation or otherwise is proved if intention is necessary to be proved to prove the relevant offence under the Indian Penal Code."

Shri Naziruddin Ahmad: My amendment reads:

In the amendment proposed by Shri Rajagopalachari, for the proposed Explanation 2 to clause 3, substitute, the following:

"Explanation 2.—In judging whether any matter is objectionable matter under the Act, the intention of the writer as expressed in the words, signs or visible representation shall be taken into consideration."

Shri E. K. Chaudhuri (Assam): I have amendment No. 304, Sir.

Mr. Deputy-Speaker: As understood yesterday we are now discussing the amendment moved by the hon. Home Minister and I am only allowing amendments to that amendment. When these are disposed of then the other amendments will be taken up if they are not barred.

Shri Rajagopalachari: Before we proceed with Pandit Bhargava's amendment and before he speaks on the subject I should give him notice of my objection in the matter. So far as his first amendment is concerned, it may be treated as an amendment, but his amendment regarding Explanation 2 is not an amendment to the Explanation that I have moved. It is a different matter altogether and if my Explanation is accepted it should be barred. If this is passed my Explanation would have to be ruled out. His amendment is merely an opposition, so to say. I am not merely repeating what Mr. Bharati has said—I say the first amendment is in order, the second should be considered separately. It is not in the form of an amendment at all; in substance too it is not an amendment. So, it would be easy for discussion if we consider my Explanation and the first amendment moved by Pandit Bhargava which I say is in the form and substance of an amendment. This and Mr. Naziruddin's amendments may be considered together. Pandit Bhargava's second amendment is, I should say, a reversion to his original objection to clause 3 and is not a matter of Explanation.

Pandit Thakur Das Bhargava: It is a new Explanation, but it is certainly an amendment to the amendment of the hon. Home Minister. His amendment only says that if a certain thing is likely to be the result of certain words, etc.,

then the intention may not be seen. My amendment says that the intention, substantive or assumed, should be seen in cases where the likelihood of an offence is not itself an offence; there are cases where it has been declared that likelihood itself constitutes an offence. This is an amendment to his amendment.

Shri Rajagopalachari: He himself has put it as a new Explanation and he is conscious of the objection.

Mr. Deputy-Speaker: What the hon. Minister says is that there are two distinct amendments. One relates to this. Likelihood to incite is not an offence in itself, but it is an objectionable matter that can be subjected to action under this matter. Now, the hon. Member wants to make this objectionable matter to come under the purview of this Bill only if it is a substantive offence under the Indian Penal Code. That is number one. The other one is the very negation of the hon. Minister's explanation. The hon. Minister does not want intention to come into the picture at all, whereas the amendment moved by the hon. Member says that intention is essential in those cases where likelihood is not an offence. What I shall do is that I shall allow discussion on both the amendments of the hon. Member, but I will first put the original amendment of the Home Minister and if it is carried, then the hon. Member's amendment would be out of order. If the Home Minister's amendment is not carried, then I shall put Pandit Bhargava's.

Shri Rajagopalachari: Pandit Bhargava should have more consideration for the question of procedure, apart from the merits. So far as explanation 2 is concerned which he proposes himself as an additional one, it should be separately discussed and not as an amendment to this explanation.

Pandit Thakur Das Bhargava: The objection is quite right, but the effect of the words "if intention is necessary to be proved to prove the relevant offence" is not being appreciated. There are many cases where it is not intention alone but likelihood also is sufficient to constitute an offence.

Mr. Deputy-Speaker: The hon. Minister clearly wants to eschew intention whereas the hon. Member wants to include intention. I shall allow discussion but I shall first put the Home Minister's amendment and if it is carried, then the other one may not arise. The hon. Member may speak on his amendments.

Pandit Thakur Das Bhargava: With a view to illustrate my point, I would refer the House to Section 505 of the Indian Penal Code. On the question of the intention of the person prosecuted, I maintain that so far as the keeper of the press is concerned, his intention is immaterial because the offence against him is that he has used the press in a particular way. There the knowledge of the person that the press was being used for this purpose is sufficient. But as to whether the intention of the writer is important or not, the question was never put to me and I submit that here intention is absolutely essential, otherwise you will be framing new offences.

Mr. Deputy-Speaker: When the hon. Member spoke yesterday, this particular portion was part of the amendment moved by the Home Minister.

Pandit Thakur Das Bhargava: I did not notice that the word 'writer' was there. It was sprung on us as a surprise and I was not very careful. I understood that the intention of the person prosecuted was immaterial, but if you ask me whether the intention of the writer is necessary or not, I would say that it is 100 per cent. necessary to be proved.

Mr. Deputy-Speaker: May I know from the hon. Minister how the writer's intention is relevant? I have my doubts.

Shri Rajagopalachari: I was going to say in my reply that the confusion has been caused by my having used the word 'writer' in a hurry. I should have said 'keeper of the press or the publisher of the newspaper' and the argument would have been much simpler. I was going to suggest this, but the basic difference has been well put by Mr. Goenka. We must decide on it and the other points are mere variations of the same argument.

Pandit Thakur Das Bhargava: So far as the arguments of the hon. Minister yesterday went, I understood him to say that the intention of the keeper of the press only was in dispute but when I read the word 'writer', the situation became something else. The presence of the word 'writer' makes all the difference.

Shri Rajagopalachari: I may make it quite clear that it is a drafting error. I should be published of a newspaper or the keeper of a press'.

Pandit Thakur Das Bhargava: Does that mean that this amendment is

taken back by the Home Minister and these words are substituted? It will be clear that there is a world of difference between the intention of the keeper of the press and the intention of the writer of the article.

Mr. Deputy-Speaker: Let us not be too formal. He says that the word 'writer' was put there inadvertently and he intends to substitute 'keeper of the press or the publisher of the newspaper'.

Pandit Thakur Das Bhargava: If these words are substituted, then all that I submitted yesterday stands withdrawn, because if these words had been there I would agree that to a certain extent the hon. the Home Minister is correct because the gravamen of the offence of the keeper is quite different from the gravamen of the offence of the man who keeps the press and disseminates the objectionable matter.

An Hon. Member: What is the final decision?

Mr. Deputy-Speaker: I am prepared to accept the substitution of the words 'keeper of the press or publisher of the newspaper' and the omission of the word 'writer'.

Pandit Thakur Das Bhargava: One great difference now is that the intention of the writer or the author of the article will be quite relevant. This is a very great difference which is material to the point at issue.

Mr. Deputy-Speaker: In view of the hon. Minister's statement, does the hon. Member press his amendment?

Pandit Thakur Das Bhargava: I do, Sir. Here also the question is of intention only. You were pleased to point out to Mr. Goenka that it is not the intention alone that is the necessary ingredient of an offence. In many circumstances, knowledge, having reason to believe etc. are also very material. Therefore, I submit that in this case also, we must consider those other aspects. Even if you want to proceed against the keeper of the press, it is absolutely necessary that he should know the objectionable nature of the document which is ascribed to him. If he does not fully understand the meaning of the words used, if he does not realise that the matter is objectionable, and in a sort of mechanical way he gives directions to print the matter, or himself runs a press of that nature, it will not become penal, because after all in the criminal law of this country we must have *mens rea*

which means criminal intention or knowledge or at least having reason to believe that a certain act will result in a certain way. My point is that no matter can become objectionable unless and until you can say that so far as the author of the article is concerned he had a particular intention, or we can attribute to him a certain intention as a result of the words used by him. I am submitting all this in support of the arguments which I submitted yesterday. I submitted yesterday that the hon. Minister said to us in this House that he does not want to create new offences.

The hon. the Home Minister in the course of his argument said yesterday that all the offences which are mentioned here are given in the Indian Penal Code and punishable today. If that statement is correct much of my objection would be taken away. But I very respectfully wish to point out to him that this statement of his is not correct. I wish to point out, Sir, that there is no offence known to the Indian Penal Code under section 124A if intention is not there. Intention is a necessary ingredient there. Secondly, Sir, in regard to Section 153A it has been held by various High Courts that intention is necessary, though I know that some of the High Courts have said that if even the effect is produced, there need be no intention. There is of course a divergence of opinion among the High Courts in regard to section 153A. As regards all other sections in the Indian Penal Code which are referred to in the objectionable matter, you will be pleased to observe that intention is a necessary part of the offence. Therefore this is a new type of offence which is going to be foisted on this country.

11 A.M.

What is the difference between speech and expression? After all if a person gives a speech, it is the function of the tongue only to express what his mind thinks. In regard to writing it is the work of the hand plus the printing machinery. But the mind is the same: the head is the same. So far as expression or speech is concerned, it is only a mode of expression and not a thing by itself. According to the Penal Code no person can be convicted unless and until he makes a speech with intention. No person can be guilty of an offence, unless he is motivated by a particular intention. If the intention is absent, my humble submission is that no offence is possible. By the use of these words "which are likely to" we are making new offences and I am very much opposed to it. I submit that in no other

country it is an offence to do a thing which is likely to lead to something.

I was going to quote an instance of this to illustrate my point. I would request you to read Section 505 which reads thus:

"Whoever makes, publishes or circulates any statement, rumour or report,

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force to mutiny, etc.

(b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity,

(c) with intent to incite or which is likely to incite, any class or community of persons to commit any offence against any other class or community."

Here also the intention is there.

Mr. Deputy-Speaker: Sub-clause is what is used here.

Pandit Thakur Das Bhargava: I am only trying to give an instance. This is the only case where likelihood of the effect itself is punishable under the Indian Penal Code. But even here there is an Exception which reads:

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

This is the only place where I find that mere likelihood of the effect constitutes one of the ingredients of the offence. But even here, on account of the exception, nothing would be construed an offence if it is proved that the intention was not there.

I am a humble person. I do not want to throw any challenge to anybody. But if my challenge could be accepted, I would be happy to be convinced that all the matters which are given in objectionable matter do by themselves constitute offences. If this is done, I am prepared to withdraw my objection. I have gone through the various sections of the Indian Penal Code which correspond to the matter given in clause 3 and I have found

[Pandit Thakur Das Bhargava]

at in all of them the intention is an absolute and necessary ingredient.

Shri Rajagopalachari: I have caught the hon. Member's point; it is no good repeating it over and over again.

Pandit Thakur Das Bhargava: It is not a question of catching the point.

Mr. Deputy-Speaker: There does not seem to be any agreement on this point. What I thought yesterday was that the hon. Member had agreed substantially to this amendment. Now he is differing from that. I am not attributing any intention or motive to him. This is a matter on which there seems to be fundamental difference and there is no good one side appealing to the other and trying to convert it.

Pandit Thakur Das Bhargava: Another point I want to say is about the use of the word "encourage".

Mr. Deputy-Speaker: That may be taken up later on.

बाबू रामनारायण सिंह: सभापति महोदय, जिस विषय पर हम लोग विचार कर रहे हैं वह बहुत ही महत्त्वपूर्ण विषय है, बहुत ही गम्भीर विषय है। इस पर किसी प्रकार की शीघ्रता नहीं होनी चाहिये। कभी कभी आप के सामने यह चीज पेश होती है कि इस प्रश्न पर राय ले ली जाय, और कभी कभी आप को भी लाचार हो कर इस विषय को मान लेना पड़ता है लेकिन इस सम्बन्ध में मेरा आप से केवल इतना ही निवेदन है कि इस संसद में हम करीब ३२५ सदस्य हैं, और अगर एक सदस्य चार घंटे बोल गया तो समय तो लग गया, लेकिन कोई यह कह दे कि इस पर तो यथेष्ट बहस हो गई यह ठीक नहीं है। अगर इन ३२५ सदस्यों में से १५-१६ सदस्य भी न बोल पायें और यह कह दिया जाय कि इस पर यथेष्ट विचार हो चुका यह तो ठीक नहीं होगा।

अब यहाँ यह बात रखी गई है कि अगर कोई मनुष्य कोई कार्य करता है, या

किसी अखबार में कोई चीज छप जाती है, या किसी ने भाषण दिया, तो हमारे राजाजी के विचार में, इस विषयक के विचार में, उस से अगर कोई बुरा असर होना संभव हो तो उस को सजा होनी चाहिये। सभापति महोदय, मैं उस बात को नहीं दुहराऊंगा जिस को कि ठाकुर दास जी ने कहा है और दूसरे लोगों ने भी कहा है कि इस तरह का कानून तो सारी दुनिया में कहीं नहीं है। आज हम को आजाद हुए करीब चार बरस हुए हैं। नई सरकार बनी है, पंचायती सरकार है, बच्चा सरकार है। उन को ऐसा काम करना चाहिये था जिस से देश के लोग उन को आशीर्वाद देते। लेकिन वह ऐसा नहीं करती। ये लोग तो नये दोषों की सृष्टि कर रहे हैं। ये तो मैं मान सकता हूँ कि अगर किसी ने भाषण दिया या किसी पत्र में कुछ ऐसा छप गया जिस का बुरा असर हो तो उस को सजा हो। पर वह तो यहाँ नहीं है। यहाँ पर तो यह कहा जाता है कि शायद उस से बुरा असर हो जाय इस वास्ते उसे सजा कर दी जाय। सभापति महोदय, यह किस प्रकार का कानून बना रहे हैं यह मेरी समझ में नहीं आता। मैं कहता हूँ कि ऐसे ऐसे कानून बना बना कर देश को भक्ति नहीं की जाती है बल्कि देश के प्रति विद्रोह किया जा रहा है।

सभापति महोदय, इस के बाद कहा जाता है कि किसी ने कोई काम कर दिया या उस से कोई काम हो गया, तो उस की नीयत का कोई सवाल नहीं है। यह सब कोई जानते हैं, राजा जो भी जानते हैं। जैसा कि अभी ठाकुर दास जी ने भी कहा कि इंडियन पीनल

कोड़ में जितने जुर्म हैं उन सब में नीयत एक प्रधान अंग माना जाता है। सभापति महोदय, मैं आप से अपने प्राचीन शास्त्रकारों की बात कहता हूँ। हमारे शास्त्रकारों ने तो यहाँ तक कहा है कि धार्मिक विचार के अनुसार अगर किसी के मन में कोई नीयत हो गई, चाहे वह कार्य हुआ या नहीं हुआ, वह व्यक्ति कुसूरवार समझ लिया जायगा। इस दुनिया में मनुष्य जो भी कार्य करता है वह किसी न किसी अभिप्राय से करता है, किसी नीयत से करता है। हमारे शास्त्रकारों का कहना है कि अगर कोई आदमी कोई कार्य करता है पर उस में उस की कोई बुरी नीयत नहीं है फिर चाहे उस का परिणाम कितना ही बुरा क्यों न हो वह सजावार नहीं है। हमारे शास्त्रों का कहना है कि मनुष्य जो भी बुरा काम करता है उस को काम, क्रोध, म्हेह और लोभ यही चारों ऐसा करने को विवश करते हैं। यदि कोई मनुष्य कोई कार्य काम से प्रेरित हो कर या क्रोध से प्रेरित होकर या मोह से प्रेरित होकर या लोभ से प्रेरित होकर करता है तो वह कार्य दोषपूर्ण समझा जाता है और पाप समझा जाता है। तो मैं जो कह रहा हूँ, सभापति महोदय, आप से और इस संसद् के सदस्यों से वह यह है कि हमारे शास्त्र में ऐसा कहा गया है कि जब हम कोई कार्य कर रहे हों तो यदि धर्म के विचार से न करके केवल काम से या क्रोध से या मोह से या लोभ से प्रेरित हो कर कर रहे हैं तो वह पाप हो जाता है।

Mr. Deputy-Speaker: The hon. Member will kindly restrict his remarks to the amendment or amendments that have been moved.

बाबू रामनारायण सिंह: सभापति महोदय, मैं नीयत के बारे में कह रहा

हूँ और मैं यह कह रहा हूँ कि आप तो ऐसा कानून बनाने जा रहे हैं कि किसी से कोई कार्य हो गया, फिर चाहे उस की नीयत में कुछ हो या न हो वह आदमी कुसूरवार समझा जायगा। लेकिन हमारे धर्म शास्त्र कहते हैं कि यह बिल्कुल गलत बात है। हमारे शास्त्रकारों ने तो उस की यहाँ तक व्याख्या की है कि कार्य हो या न हो, लेकिन यदि किसी मनुष्य के दिल में उस कार्य के लिए नीयत हो गई, तो धर्म के विचार से वह आदमी कुसूरवार समझा जाता है। जिस तरह से आप कानून बना रहे हैं उस का मतलब तो यह होगा कि नीयत कुछ हो या न हो वह कुसूरवार है। सभापति महोदय, यह कौन नहीं जानता हम लोग मनुष्य हैं, हड्डी और मांस के बने हुए हैं, हम समझते हैं कि बहुत बार हम से अनजान में काम हो जाते हैं, मुंह से कोई शब्द निकल जाते हैं। भाषण देते वक्त हम कभी ऐसे शब्द बोल जाते हैं जिन के लिए हमारी कोई नीयत नहीं है। लेकिन हमारे राजा जी कहते हैं कि उस के लिए सजा होनी चाहिये। अभी कुछ लोगों ने कहा था कि राजाजी इस कानून को बना कर देश में नई जेलों की सृष्टि कर रहे हैं। मैं समझता हूँ और मैं राजाजी से कहूँगा कि राजा जी आप बहुत योग्य हैं सब कुछ ठीक है। लेकिन मैं कहूँगा कि आप अपनी योग्यता से देश का भला होने दीजिये, देश की बुराई क्यों करते हैं। और मैं यहाँ तक कहे देता हूँ कि यह योग्यता का अपमान है अगर योग्यता के जरिये देश का बुरा हो उसी योग्यता का मूल्य है जिस से कि देश का भला हो।

Shri R. K. Chaudhri: The hon. the Home Minister is not listening to you.

बाबू राम नारायण सिंह: खैर हमारे गृहमंत्री साहब सुनें या न सुनें और समझें या न समझें, लेकिन मुझे तो सभापति महोदय से कहना है और उन के जरिये सारे देश से कहना है कि देश समझे कि कितना बड़ा अनर्थ इस संसद में हो रहा है और राजाजी जैसे महान् व्यक्ति के जरिये हो रहा है। इस सम्बन्ध में मैं अधिक नहीं कहूंगा क्योंकि इस में केवल नीयत की बात है।

श्री मजीदुद्दीन अहमद: यह तो इंडियन पीनल कोड में भी है।

बाबू रामनारायण सिंह: हां, यह इंडियन पीनल कोड में भी है कि कोई कुसूर नहीं होता है जब तक कि नीयत न हो। तो घर्म में तो ऐसी बात है चाहे काम हुआ हो या नहीं हुआ हो जहाँ दिल में नीयत हो गयी, जहाँ दिल में किसी काम के लिए बुरी नीयत हो गयी तो घर्म के विचार से वह आदमी कुसूरवार हो जाता है।

तो अब मैं इस में अधिक नहीं कहूंगा। सब से पहले तो मैं राजाजी से कहूंगा कि राजाजी आप का बहुत नाम है। आप अपने नाम और यश को मटियामेट मत कीजिये ऐसे ऐसे प्रस्तावों को पेश कर के। पहले तो मैं आप से यही कहूंगा कि आप इस बिल को ही वापस ले लीजिये, नहीं तो जो प्रावधान (provision) पहले ये बही रहने दीजिये।

श्री र. जगोपाल स्वामी: यह सब तो बर्ड रीडिंग (third reading) के लिये है।

बाबू रामनारायण सिंह: जी नहीं, अभी इस की जरूरत है। मैं आप से कहूंगा कि

अभी आप इसे वापस ले लीजिये। पहले तो आप से राजाजी से ही कहता हूँ कि इसे वापस ले लीजिये नहीं तो फिर मैं संसद् के सदस्यों से कहूंगा कि इस को रद्द कर दें। इस तरह का कानून बनाने से देश का बुरा होगा, भला नहीं होगा।

(English translation of the above speech)

Babu Ramnarayan Singh (Bihar): Sir, the subject we are considering is very important and very grave and there should be no hurry about it. Sometimes it is moved that the 'Question be now put' and you are forced to agree to it. But in this connection I am to request you that we are about 325 Members in this Parliament and if a member speaks for four hours, though the time is spent, it is not proper to say that there has been sufficient amount of debate upon it. It would not be proper to say that sufficient debate has been had on a motion if even 15-16 members out of the total number of 325 do not find an opportunity to speak.

Now, it is being mentioned here that if a person does something, or a newspaper publishes something or somebody makes certain statement, it should be punished, if in the opinion of Shri Rajaji or this Bill, there is a likelihood of its creating incitement to crime. Sir, I would not repeat here the point expressed by Shri Thakur Das and others that there is no such law anywhere in the world. We have been independent for the last four years; there is a new Government, a *Panchayat* Government, an embryonic Government. They should have performed such acts as to invite blessings of the people of the country. But they do not do that. These people are creating all the more evils. I may agree that if somebody makes a statement or certain paper publishes some such thing which leads to evil consequences it may be punished. But that is not the point here. It is being mentioned here that if it is likely to have an adverse effect it may be punished. Sir, I am unable to understand what sort of law this is. I have to state that the enactment of such laws is not allegiance to the country but an act of disloyalty towards it.

Sir, afterward it has been mentioned that if anyone 'has committed' an act there is no question of his intention involved. As stated by Shri Thakur Das it is known to all and sundry and

also to Shri Rajaji that intention is a main ingredient of all the offences detailed in the Indian Penal Code. Sir, I may make a mention of our ancient law-givers. They have ordained that as regards religious faith if one has an evil intention in his mind he is to be construed as guilty whether the act is actually performed or not. Whatever act is done by a man in this world is done with some intention. Our law-givers have provided that if a man does something without any evil intention, he is not guilty, whatsoever evil effect the deed may produce. They have given that whatever evil deed a man performs, he is compelled to do so by *Kam* (desire), *Krodh* (anger), *Moh* (attachment) and *Lobh* (greediness). If a man performs an act after being compelled to do so by *Kam* (desire), by *Krodh* (anger), by *Moh* (attachment) or by *Lobh* (greediness), the act is construed to be evil and sinful. So what I want to convey to you, Sir, and to the members of the House, is that our *Shastras* provide that if we do something without religious considerations but simply after being forced by *Kam* (desire), *Krodh* (anger), *Moh* (attachment) or *Lobh* (greediness), it becomes a sin.

Mr. Deputy-Speaker: The hon. Member will kindly restrict his remarks to the amendment or amendments that have been moved.

Babu Ramnarayan Singh: Sir, I am talking of intention and about the law you are going to enact that if a man does something, whether intentionally or not, he will become guilty. But our *Dharma Shastras* hold this stand to be wrong. They have gone to the extent to define that whether an act is actually performed or not, but if there is an intention in one's mind to that effect, he is understood to be guilty from the religious point of view. The way in which the law is being enacted will mean that a particular individual is guilty whether he has an intention or not. After all we are men of flesh and bones and we know that many a time we do certain acts or sometimes a few words slip from our tongues unknowingly. At the time of speaking sometimes we utter such words as we have no intention to utter, but Shri Rajaji says we should be punished for it. Just now, somebody remarked that Rajaji was out to create new jails by the enactment of this law. I understand and I will tell Shri Rajaji that he is a very able man. But I would request him to do good to the country with his ability and not evil of the country. And I would go to the extent to say that it is an insult to the ability if evil of the country

is done through it. Only that ability is worthwhile which does good of the country.

Shri R. K. Chaudhuri (Assam): The hon. the Home Minister is not listening to you.

Babu Ramnarayan Singh: Whether our Home Minister listens or not, understands or not, I am to appeal to the Chair and to the whole of the country through him that the country should understand what great disaster is being done in this Parliament and that also through the persons like Shri Rajaji. I am not to say much in this connection as it is only a question of intention.

Shri Nasiruddin Ahmad: This is also in the Indian Penal Code.

Babu Ramnarayan Singh: Yes, it is provided in the Indian Penal Code that there is no offence if there is no intention.

This is provided in the canons of religion also. Whether the deed is done or not, if there is an intention, if there is an evil intention, the man is guilty from the point of view of the religion.

So in this connection I have nothing more to add now. First of all I will appeal to Shri Rajaji that he has a good name and he need not destroy his good name and fame by moving such proposals. First of all I will request him to withdraw the Bill otherwise let the previous provisions stand.

Shri Rajagopalachari: This is all for third reading.

Babu Ramnarayan Singh: No Sir, it is required just now. I would ask you to withdraw it now. First I request you, Rajaji, to withdraw it, otherwise I would appeal to the members of the Parliament to negative it. Such enactment will mean evil of the country and not good.

Shri Barrow (Madras): The substitution of other words for writer—I do not remember the exact words—publisher or proprietor, to my mind, seems to have made the question of intention all the more relevant. The intention of the writer will have to be taken into consideration. I do not know the legal implications of this, because I am not a lawyer, but, it strikes me that when there is any such sign cartoon or if an article is written, the intention of the writer is very relevant. I would only refer to experiences about two very great men—one is the hon. Deputy-Speaker and the other, Socrates. I will take them in precedence of time if not in order of importance.

[Shri Barrow]

I would refer to the hon. Deputy-Speaker. The other day, in one of the local dailies—I do not know, it may not be a local daily—anyway, in one of the dailies there was a cartoon published. This cartoon had something to do with the Hindu Code Bill. It showed the hon. Deputy-Speaker.....

Mr. Deputy-Speaker: There is no dispute about that. It need not be referred. So far as I am concerned, the matter came before the House and the matter is closed.

Shri Barrow: I am on the question of intention. The point is this—I am trying to make the question of intention quite clear. There was one interpretation of that cartoon.....

Mr. Deputy-Speaker: The hon. Member need not refer to that instance at all. I took exception to that and the matter is closed. Any other reference may be made. I would not allow any opportunity to explain it one way or the other.

Shri Barrow: Coming to the other illustration of mine Socrates was placed before Judges, and he tried to explain the reasons for his unpopularity. He told them that he carried out an investigation into the wisdom of different cultural groups and he related what took place when he went to the poets. He says that he selected very carefully composed poems and then he called on the poets who wrote them. I will try to give a translation of the lines as well as I can; I have written it here. This is what Socrates said:

“There was scarcely a man present who could not talk about these poems much better than the poets themselves.”

The whole point is that the intention of the poets was not being read into the poems and being given other meaning than that which the poets themselves had in mind. Therefore, in any writing or any article, it is very relevant to the issue that the intention should be taken into consideration.

If the hon. Home Minister is moving his “explanation” in the interests of better literary and refined output, then, I can understand it. For any man to express his thoughts and for those thoughts to be communicated *in toto* to the mind of the reader, it means that he must have a very sound command of the language. It means that he a common man will not be able to express himself through newspapers or through cartoons or by any visible

means, because, his intentions may not be clear and he will not get a chance of explaining them, should the proprietor or publisher be put into the dock.

Shri Mirza (Hyderabad): A great deal has been said with reference to this matter. I would like to submit that words are curious things. Sometimes your intention may be to produce a certain effect; in fact, the speech might produce the exactly contrary effect. So, there is a distinction between the power of words and the intention of the speaker. What the hon. Home Minister is trying to do is to differentiate between the speaker or the originator of the words and the words themselves, because, the words have a life of their own. In drawing this distinction, he has taken into account the effects that the words are likely to produce on the general public and the adverse effect that they might produce even for the security of the State. So far, it is perfectly all right.

There is also another point made by some hon. Members. They referred to the Indian Penal Code. Take for example Mr. Goenka. He said that in the case of drunkenness,—intention is not required. In the journalistic world, drunkenness might be a ground for intention. Some of the most powerful articles in the Press have been written under the influence of drink and not over a cup of tea. Therefore, this analogy of the Indian Penal Code to the journalistic world is not entirely appropriate.

What the hon. Home Minister is trying to do is to shift the responsibility from the speaker to the publishers and printers of the press. Printers and publishers of the press must have the capacity to find whether the words they are going to print will produce a particular effect.

Shri Naziruddin Ahmad: What about hidden meanings? How could they do it?

Shri Mirza: Meanings are not hidden. Any one who knows anything about the English language knows how to use words, knows all the meanings and the effects they can produce.

Shri Goenka: Why do you talk only of the English language?

Shri Mirza: We are talking in English with Mr. Naziruddin Ahmad: that is why I say English. If you could hear me with a little patience, which I have spent a great deal in hearing you, I think you will see my point.

So, Sir, the hon. Home Minister is trying to shift the responsibility from the speaker to the printer and publisher of the press and I think in a more developed society it is possible to shift that responsibility. But, I have my own doubt whether the Press and publishers in this country have got the capacity to find out what effects particular words might produce. This requires rather deep thought and some formula must be found so as to satisfy the requirements of the hon. Home Minister and also satisfy the peculiar conditions existing in this country.

There is another point which my hon. friend Mr. Goenka made which strikes me as something peculiar. He made it yesterday also. He said that the editors write the articles and that the editors are responsible for printing the articles, and why should you shift the responsibility to the proprietors. It seemed to me that if the responsibility were to be shifted to the poor editors and the poor journalists, then, Mr. Goenka would be satisfied. Why is he so keen for the proprietors of the press. Proprietors, I think, should have the capacity to find out and to determine what effects particular words and particular articles can produce.

After saying all this, I have a very humble submission to the hon. Home Minister and it is this. Every new idea has its own reactions, and very often of a violent kind. Whether it is Galileo saying that the world revolves round the Sun or Socrates preaching his philosophy, there are violent reactions and it could be interpreted as likely to incite to violence. Therefore, I would like to stress this matter. If you have this law on the statute book, there might be a tendency to discourage new ideas. Of course, if it is on the political plane, they have bigger reactions. The problem before us is how to get rid of the criminals as Rajaji calls them and at the same time protect those who are not criminals. It is possible that some other Government might utilise this law to satisfy other ends than that which the Home Minister has got in mind.

Shri T. Husain (Bihar): Which other Government can come to power except this one?

Shri Mirza: That I know, as long as my hon. friend is here, there will be no other Government.

There is just one more point which I want to make. It is not sufficient that the Home Minister is satisfied that there is freedom of the press. It is also not sufficient that he satisfies

that there is freedom of the press. Besides that, he must create conditions in the country so that people may feel that there is this freedom, and for that, if any alterations have to be made I hope the hon. Minister will consider them and accept them. There is a great deal of feeling that the clause in its present form does not satisfy Members. And after all we are dealing with the realm of the mind and thought. And in the realm of the mind, the greater the risk you take, and the more you extend the boundaries, the more secure they become. So I would appeal to the hon. Home Minister to effect the necessary changes, and I know he can by his jugglery of words satisfy both sides and I hope he will take note of the points that I have stressed.

Shri M. P. Mishra (Bihar): I fail to understand the whole trend of this debate, particularly on this amendment. In his speech of yesterday, Rajaji made it perfectly clear that his whole intention was not to suppress the freedom of expression but he wanted only to take account of such bad elements as were there, particularly those who were out to overthrow the Government by violent means, who were out to incite violence or sabotage, who were out to publish grossly indecent or scurrilous matter. Now, I can understand that if a sessions judge sits with Rajaji's whole speech before him, as the background for this decision, he could interpret this Bill or the provisions in this measure and he will not have any difficulty in interpreting them correctly. But our difficulty is that the judge will not have the speech before him, but he will have the cold printed words of the Act and he will interpret the provisions as they are.

Rajaji also said—and with this I am sure very few will be found to disagree—that apart from the intention of punishing the real criminals in the profession, he was prepared to go the whole-hog with the House so as to safeguard the real freedom of expression. After this, I fail to understand his new amendment which now seeks to liberalise the words “tend to” to which everybody objected, as mere tendency to incite or encourage should not be made an offence. Suppose a tribute is paid to the heroes of 1942 or to the heroes of 1857, who were leaders in a violent rebellion, should we take objection to that? The Home Minister now seeks to change the words “tend to” into “likely to”. I think this is a little improvement, no doubt. But then the addition of another explanation makes things worse, as

[Shri M. P. Mishra]

andit Kunzru pointed out yesterday. If the words "tend to" are to be substituted by the words "likely to" and if the explanation also is to be there, when the position becomes worse and andit Kunzru said that in preference to that, he would rather be content to have the original "tend to". And I quite agree with that view of his, though nobody likes the words "tend to".

I appreciate one difficulty of Rajaji in regard to the intention. There is the editor of the newspaper who has the authority to publish what he prepares. But there is some one else who writes certain matter which is objectionable and he takes it to the printer who may not be intelligent enough to understand whether it is objectionable or not. And the printer has the other worry of having to attract business. He publishes it and there the mischief is done, though he had no intention of doing anything wrong or objectionable. The writer must be shown to have some intention behind what he writes, something objectionable, with reference to incitement to violence, or overthrowing the Government by violence or some of the other objectionable matters detailed in this clause.

I would like to point out that most of the controversy over this Bill centres round this particular clause—clause 3. I do not think the press is a steam-roller, but even such sections of the press that want to support this Bill are not able to support it because of the great tradition of freedom of the press that has been built in the country over a number of years—over twenty to thirty years of our freedom struggle. And so even such people as are not likely to be affected by this Act, or such people who have nothing to defend except their vested interests, they are also opposing the Bill because they are not in a position to get away from that great tradition of freedom of expression that this country has built during the past twenty-five years of our struggle. I feel that the tradition of the freedom of expression inherited by them is sometimes proving to be greater and more powerful than our own tradition of freedom struggle and that is why the Government has come to propose things which are likely to suppress the legitimate freedom of expression. Consequently I feel it would be very good both in the interest of the press and of the country, if both the Government and those who object to this Bill could assure each other that so far as the intention to suppress the really malicious and dangerous criminal elements is con-

cerned, there is no difference of opinion. It has to be conceded that after the achievement of independence there are certain elements in the country—say the Communists—which are out to exploit any position. The reason is plain, because they have to take counsel from outside this country. Also after the achievement of freedom it is wellknown that there are certain foreign influences working in the country, influences of different kinds. There is the American influence working, there is the Russian influence working, there is the Chinese influence working and so on.

Mr. Deputy-Speaker: Are we going back to a general discussion? The hon. Member will please confine himself to the amendment.

Shri M. P. Mishra: Yes, I confine myself to the amendment. I would like to say that this contentious clause, clause 3 of the Bill has to be most carefully considered by the House and I would urge and request Rajaji to understand the point of view of the opposition and also the opposition to understand his point of view. He must have this much of law so that the real criminals who have intentions of doing mischief, should be suppressed. At the same time freedom of expression, the right of the opposition to oppose the Government and oppose its measure and policies should be thoroughly guaranteed.

One more point, Sir. I have been repeatedly hearing at any rate on behalf of the Government that the press in its present context of highly developed technology publishes in an hour's time lakhs of copies and in another hour distributes them to many lakhs of people and this fact deserves special consideration and a harsher treatment from the Government. The press is not nationalised but is in the hands of the people. But in the hands of the Government there are instruments which are much more dangerous. What is the All India Radio? The Government has a monopoly over it. The number of all the readers of all the newspapers taken together will not be larger than the listeners of the All India Radio, over which the Government has a monopoly. Suppose a Government comes into power tomorrow after the elections and chooses to become irresponsible and tyrannical and uses the apparatus of the radio to tyrannise the people. What is the remedy in the hands of the people? It is the press and the platforms which can be utilised against that tyrannical government.

Mr. Deputy-Speaker: If it chooses to be tyrannical it will be tyrannical all round.

Shri M. P. Mishra: Remember also that though the press is not nationalised there is the tendency that the press is getting into fewer hands, in the hands of fewer proprietors who are becoming lords of the press. It is already monopolised by our press magnates. It is for this purpose that a demand was made for the appointment of a Press Commission but the Government has not come forward with it. I do not like that there should be a monopoly over the press, which is a great instrument of democracy. Such a commission should investigate all these things from within. It is a wrong argument to use that because the technique has improved, it places in the hands of criminals a machine which is capable of much greater mischief. I would therefore suggest that the intention on the part of the writer should be there when the judge takes into consideration whether the matter is objectionable or not.

Shri R. K. Chaudhuri: I am very glad that you have given me an opportunity to speak.....

Shri Rajagopalachari: Because you support the hon. Minister.

Shri R. K. Chaudhuri: I will make it an occasion to support once and for all the amendment which has been put forward by the hon. Minister. I will support it by references to personal instances.

A certain weekly has made a visible representation of me representing me as sitting over one of those fans and beneath the fan there are hon. Members like Shrimati Durgabai and Shrimati Renuka Ray, standing in an attitude of menace. (*An Hon. Member:* Is it a cartoon?) It may be a cartoon or anything. The idea is that as soon as I get down from that perch there would be serious thrashing of me from my hon. friends here. The writer may have a perfectly good intention but what is the effect? I am being ridiculed throughout the length and breadth of the country. I who generally keep women under my control have been put into this predicament that I have to climb up the fan pole and try to save myself in that way. Look at the effect. Every woman in my part of the country now thinks that I am doing something very seriously wrong by not supporting the Hindu Code and that I deserve the same treatment at home which probably my hon. friend Shrimati Durgabai wants to inflict on me!

Let me go into another instance.
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Shri Rajagopalachari: This one itself is very convincing.

Shri R. K. Chaudhuri: In another cartoon I have been absolutely unsexed. I have been represented in a female dress. It is not a matter to laugh at. Very serious consequences will arise out of it and Members ought to take serious notice of it. So I have been put into a female dress.....

Shri Kamath: You have often been referred to as "Rohini" in the House!

Shri R. K. Chaudhuri:.....with something in my hands, with which you generally clean the floor. By this I am converted into a female. I have not gone for a long time to my own people and the women of my parts will say, here is a man who has been converted into a woman and a coward, because he has gone to a place where women reign supreme, where women bask under the sunshine of the hon. Prime Minister and the Home Minister. They are simply ruling the whole House and therefore I have been converted into that sex.....

Shrimati Durgabai: If the hon. Member means to say that a woman means a coward I would say that a woman is not a coward at all.

Shri R. K. Chaudhuri: Women are never cowards. I am not casting any reflection on this House. But look at the way in which this House has treated the Hindu Code Bill. Look at the way in which the majority of the House has treated the Hindu Code Bill.

Mr. Deputy-Speaker: Are we going into the Hindu Code Bill.

Shri R. K. Chaudhuri: I am not going into that. I am going into the question of intention. The intention of the House was not to go to the length of supporting the Code but it was being cowed by others and hence the position was different. What I respectfully submit is that the intention may be fairly good but we have to judge by the result.

Take for instance the practice of head-hunting prevalent in the Naga hills. There may be writings in the papers that the Naga customs should be revived. Now that we have attained independence the old Naga customs should be revived without mentioning the practice of head-hunting and the result will be that the simple Nagas will think that their old customs of head-hunting should be revived. The intention may be good but the effect is very serious and dangerous. Therefore I support the amendment of the hon. Minister.

Pandit Kunzru (Uttar Pradesh): There are those who have tabled new amendments and before calling on the hon. Minister to reply I thought you will allow them to be discussed.

Mr. Deputy-Speaker: What is the amendment?

Pandit Kunzru: To substitute for the word "writer" the words "keeper or publisher".

Mr. Deputy-Speaker: The writer does not come into the picture at all. It is an inadvertant mistake. The word "writer" does not appear in any of the clauses relating to security and they relate only to the publisher or the keeper of a press. Therefore it must be an inadvertant mistake. Therefore I do not know that any new thing has been mentioned.

Pandit Thakur Das Bhargava: It is the writer's intention which is mentioned.

Pandit Kunzru: It is not so simple as you think, Sir. If you permit me I shall briefly explain my point of view.

Mr. Deputy-Speaker: Does the hon. Member want to take part in the debate?

Pandit Kunzru: Since a new amendment has been introduced I have to take part in the debate. The amendment is of an important character and I think that we should be given sufficient opportunity of expressing our views with regard to it.

Mr. Deputy-Speaker: As soon as an amendment is moved, I am able to see which of the hon. Members are interested. But it so happens that because they do not rise I have to call others. I would have given preference to those hon. Members who have been taking interest in this matter, who have something definite to say—of course, other hon. Members will also have something to say—but they keep to the last and just when I call on the hon. Minister to reply thinking the discussion is over, Mr. Gupta stands here, Pandit Kunzru stands there. Therefore, I would request them that if they want to participate in the debate they would do so early so as to help the House to judge these matters. To keep on till the end and then come in is not helpful. As soon as these gentlemen get up I have made it a point to call them because they are interested in the matter. But if they want to speak after I call the hon. Minister, they put me in embarrassment.

Prof. K. K. Bhattacharya (Uttar Pradesh): I too want to speak, Sir.

Mr. Deputy-Speaker: The hon. Member came to the House only today. Therefore I would call him later.

I am not going to shut out any reasonable discussion but my difficulty is this. I would have called Pandit Kunzru yesterday or even early this morning. Anyhow I will give him an opportunity before I call on the Home Minister.

Shri J. R. Kapoor (Uttar Pradesh): May I respectfully submit that though it is of course perfectly right for the Chair to call those Members who may be interested.....

Mr. Deputy-Speaker: I am giving opportunity to all Members. I understand the hon. Member meaning to say that I need not call a particular set of Members and not others—I have been fairly distributing opportunities to speak.

Shri J. R. Kapoor: Particularly those who have been keeping an absolutely open mind on this subject and are not interested in one view or another.

Prof. K. K. Bhattacharya: In view of the great importance of clause 3 as also of the Explanation, could you kindly extend the time of the debate?

Mr. Deputy-Speaker: Yes, Pandit Kunzru.

Pandit Kunzru: The new amendment proposed by the hon. Home Minister, I think, is an important one. I suppose that the argument in favour of the change is this: the Bill before us is not intended to prosecute anyone; its object is to bring newspapers and presses under control; we are therefore not concerned with the writers but with the publishers and keepers of the presses. This is a very plausible argument, but the matter is not quite so simple as it appears to be to the Home Minister. At present when, for the publication of a seditious matter in a new paper, the editor, publisher and keeper of the press are prosecuted, the guilt of the publisher and the keeper depends on the guilt of the writer. If it can be shown that what has appeared in the paper—that is, matter allowed to be published in it by the editor—is not seditious, the publisher and the keeper will not be proceeded against. Here too, it is quite possible that the writer and the keeper and the publisher of a press may be one and the same person. You are not concerned with the nature of the wrong at all so far as intention goes.

You decide the character of what appears in a newspaper or what is printed and published in a press in a special way laid down here. Is that fair? Suppose any action is taken against a press for printing and publishing a book; the writer of the book may also be interested in the press—he may be a shareholder in it—and he may go to the High Court for a declaration that there is nothing objectionable in that thing. Under the ordinary law it is his intention that will be taken into consideration. And if the High Court decides that it was not his intention to put any matter in his book which amounted to a violation of any section of the Penal Code, judgment would be delivered in his favour. But if you are not concerned with the writer at all, the keeper and the publisher will any way be punished for something that may, if the normal processes of law were observed, be regarded as wholly unobjectionable by a court. To put it differently, when the same person is the writer, publisher and keeper of the press, you can punish him in his capacity as publisher and keeper of the press without having the courage to prosecute him for publishing, say, seditious matter in his paper. I think, Sir, this is a very unfair procedure.

The change that has been made looks simple and innocent but like many other things said by the Home Minister in the course of his previous speech, they are really not so. Yesterday, he said that he did not understand why there was a controversy about the words "tend to": when we are concerned with a man we would naturally say that he intended to do a certain thing, where we are concerned with words we would naturally say that they tended to produce a certain effect! Would anybody accept this explanation? The innocent surprise that the Home Minister expressed was something which it was difficult to bear with patience. He did not see any difference between "tend to" and "intend to", when the words were taken in the manner suggested by him. The moment he agreed to drop the words "tend to", he insisted on having an Explanation ruling out the consideration of intention, and today he has gone farther by proposing a seemingly innocent amendment. I think the amendment makes the Explanation more objectionable than it was and should therefore be opposed more strongly than the amendment that was put forward yesterday.

12 Noon

Shri Rajagopalachari: I am very grateful for the very kind observations made by Mr. Kunzru which have

left a bad taste in my mouth but I hope I shall forget them as I proceed. The discussion, on the face of it, has been very instructive, in spite of the length and the discursive manner in which it was conducted. Two fundamental points have been brought out and so far as I am concerned I am clear in my mind that they were important points and that they have been thoroughly discussed and they have left in me a considerable amount of instruction on the subject and that will enable me to speak clearly and precisely on those points now.

The first point, though it was not raised in point of time as the first, that I would like to deal with is what Mr. Bhargava referred to. He put forward this case, that new offences should not be created now and therefore he objected to anything going beyond the Indian Penal Code under cover of the provisions of this Bill being made into offences. I wish to make it quite clear that the structure of the Bill, the intention, the whole plan on which the Bill is based is not the creation of offences but a scheme by which we can prevent the printing of matter which produces offences with criminal intention or produces in other people the criminal intention and the desire to commit those offences. We wish to prevent the dissemination and the circulation of such matter as will result in offences as defined in the Penal Code, not all of them but only the more grave ones. That is the object of the Bill. I want Mr. Bhargava and anyone who agrees with him and followed him in that discussion to consider this, that the object of the Bill is to prevent the dissemination of matter which is likely to incite people to offences as defined—no new offences but offences as defined. The confusion arising in Mr. Bhargava's argument is that he thinks that this idea of preventing dissemination is itself the creation of a new offence, which is not the case. Let him grant to me for a moment the right to propose a measure by which no person should be allowed to disseminate matter which will induce people to commit intentional murder, intentional sabotage, intentional any other offence, then he will see that there is nothing wrong in my proposal. The written matter is the mischief maker. We are not trying the man. We are saying that the matter which is found by a court to be likely to lead to intentional offences should be prevented from circulation. How shall we prevent that? That is laid down in the procedure prescribed in the Bill. But whether the judge should proceed at all with it is settled in clause 3 and I therefore think that the

[Shri Rajagopalachari]

clause rightly includes and should include all matters which have a tendency—I am not laying stress on that word—which have a tendency to produce intentionally committed crimes. That is the basis of the clause that I propose.

If that is agreed to and if that is the right procedure, then we shall proceed to the next step. What I should do next is that I must lay all stress on the nature of the words; I must lay all stress on the effect of the words. It does not matter at all whether the party who wrote the thing or the paper that published had some intention. Obviously, the keeper of the press has hardly read the thing. We may take that for granted. Therefore, it is not the intention of the man who is brought as respondent before the court on complaint by the competent authority with which we are concerned. We are concerned with the subject matter of the thing that was produced in the press or inserted in the columns of a newspaper. Therefore, I say that this explanation is a sound one. Hon. Members will forgive me for having put in by lapse of memory so to say 'writer' there. It ought to be that the intention of the keeper of the press or the intention of the publisher is not the matter to be gone into in such an enquiry; it is only the meaning and the effect of the words that should be considered. It was argued that this is a new offence and I have said enough to show that it is not.

Mr. Bhargava will no doubt resume the argument when other points are taken and he has put in a minute of dissent on this basis, that it is unconstitutional on the ground that these are not offences and therefore they do not come under the protecting clauses of the constitutional amendment. That is a different matter. So far as the present question is concerned, I say that clause 3, as I propose to amend it with this explanation—as I propose to correct it, i.e., omitting 'writer' and substituting 'keeper of the press or publisher'—will lead to two results. One is that the objectionable matter should be judged as to whether it leads to such results. Its effect should be considered. The next thing is whether the intention of the keeper or the intention of the publisher has any bearing on the matter. The Press Laws Enquiry Committee which included some eminent newspapermen as I said yesterday, have gone into it very thoroughly and they have come to this conclusion that vicarious penalties have to be accepted in this case and they have failed to find a way out, although

they tried. That is the fundamental limitation involved in this Bill.

Then the main question is what Mr. Goenka laid stress on in a very cogent speech, though it was much longer than it need have been. What is the point there? It was repeated by other friends in the House, though they put it in various different ways. The point is this: shall we have the intention to be considered along with other things or shall we wholly ignore it? Mr. Kunzru also referred to it in a way. Mr. Shiva Rao also referred to it in a way. Sometimes, it may be necessary to prove before the court which considers the complaint and looks into the case and enquires into the whole matter that there are some extenuating circumstances such as the difficulties of the editor or the fact that it was merely a report of a speech delivered by somebody and they could not go behind the report and look into the content or matter of the speech itself. These are the various matters that have to be gone into. Therefore, do not rule out intention in that arbitrary manner. That was the argument, I wish to remind the House, in answer to this point, of the old maxim: 'Hard cases make bad law'. What is the meaning of that? It is simply this, that if you make law, do not take only hard cases into account and enact the law. If you do that, you will enunciate a bad law. I say that here that is the procedure which is sought to be followed. There are hard cases, but it is not as if justice is denied in hard cases. There is provision in this law, as probably in all other laws, for hard cases, but not a provision which will go into the enunciation of the law itself. In this connection, hon. Members will read clause 4, which is where this provision is to be found. Clause 4 says that the judge should be satisfied on two points. It is not executive action now—I wish to remind the House, because I know the obsession is there. The court is seized of the case. What has the court to do? Two definite clauses are put in clause 4. It was not in the old Act, as far as I remember. Clause 4 says:

"Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided, a sessions judge is satisfied—"

then two sub-clauses follow—

"(a) that any press kept within the local limits of his jurisdiction is used for the purpose of printing or publishing any newspaper, news-

sheet, book or other document containing objectionable matter....."

When dealing with sub-clause (a) of clause 4, the judge will have to find out whether the matter is objectionable and whether the particular words used in the particular newspaper produced in that press come within the definition of objectionable, and in that connection the explanation which I have added to clause 3 should be taken into account. Then you come to the next sub-clause (b)—

"that there are sufficient grounds for demanding security from the keeper of the press under this section"

This sub-clause has not been inserted by me merely for show. It is not for no purpose that it has been introduced. In the old days, as soon as objectionable matter was proved to fall within a particular clause, even the High Courts' hands were tied down, but here I have provided that even the original court and certainly the High Court will have to consider two issues: (1) whether it contains objectionable matter and over and above that (2) the general question whether there are sufficient grounds for demanding security from the keeper of the press under this section and from the publisher under the other section. I put in this clause with the deliberate intention—it is a new clause as I said—of providing room for all those hard cases, where for instance we do not prove sufficient pertinacity of purpose, where it is a trifling case, where the man did not know it or where an hon. Member's speech was reported and they took it for granted that the speech would not contain any objectionable matter and the report had to be got ready overnight so as to appear in the morning papers. All these difficulties must be taken into account by the judge who has to enquire into it and who will be assisted by jury consisting of professional men. They have to see whether there are sufficient grounds for demanding a security from the person under this head. I have provided for it in (b). I say as one who is responsible for this clause with all emphasis that this is a provision made for meeting hard cases. But, Sir, it would not be right to enunciate law as if it were for only dealing with hard cases. We must enunciate the law in general terms, proper terms and precise terms and then provide room for these hard cases. I have provided full discretion to the judge in regard to all these matters by this sub-clause (b). That is my answer to all the points

that were raised with reference to intention also."

Mr. Kunzru very rightly drew my attention to the fact that in the old Act there were explanations with reference to sections that were there in that Act, that without malicious intention something may be done and the like. I quite agree that intention might come in by way of defence in this case. But we have not to deal with disaffection and sedition. We have to deal with certain definite items here, including creating communal feeling, creating hatred and the like. It would be open to the defence, it would be open to the respondent to show that the intention of the article, whoever the writer, was this and not that. I do not wish to keep out those things at all. I have, therefore, agreed to the addition of a simple explanation that in judging whether any matter is objectionable matter under this Act, the effect of the act will be taken into account and it is not necessary to go into the intention of the writer or the keeper of the press. If there are any points to be offered by way of extenuation, or explanation, or a complete answer even, they would come in under clause (b) before a judge.

I go back again to another fundamental point about the present proposal. We are dealing with keepers of presses who are recognised and who have declared their names. We are dealing with publishers who have declared their names. We cannot get behind that fundamental difficulty. They have to take sometimes vicarious punishments or penalty, whatever we may call it. What have we got to do with their intention then? The words are the things that we deal with. In a case, as Mr. Kunzru pointed out in the course of his argument on another matter, if the law is moved against a particular person under the Indian Penal Code, whether under defamation or sedition or under intimidation or under section 505 which was referred to by Pandit Bhargava, there when a man is charged with a criminal offence, I admit *mens rea* is important. There should be a proof of facts out of which an intention could be inferred. It has to be proved completely if the particular individual is to be found guilty of the offence. But we are not finding any individual guilty of any offence here. Hon. Members were, I submit with respect, guilty of a confusion in that matter. There is no question of finding anybody guilty of any offence in this matter. They are not tried under the Penal Code. The only thing that is tried is the totality of the words used and the operation which the judge

[Shri Rajagopalachari]

has to follow with regard to non-dissemination of those words. The use or the infliction of that word intention would be wholly inappropriate in this Bill. Whether the word "tend" is better, or the words "calculated to" is better, or the words "likely to" is better, is a question for decision and there is not much difference in my opinion, whatever may be the words used, when we do not deal with men, but only with words. Of course, I do not want to include vague and distant tendencies in a particular direction. Therefore I readily agreed to the words "is likely to" so that we may exclude all distant tendencies to which the modern use of the word "tend" has been put and I think misapplied. In order to avoid any ambiguity of that kind I agreed to the words "is likely to".

As to whether the explanation is necessary or not, is a matter which depends on the structure of the Bill. As I said, it is not the intention of the keeper that we are dealing with: it is the meaning of words and their effect that we are dealing with.

Mr. Goenka's argument goes to the fundamentals of the matter. He says: "No action should be taken, unless you prove the elements necessary for criminal action against an individual." From his point of view, there should be no action taken against publishers or keepers of the press unless they themselves were guilty of evil intention in the matter. We have considered and debated that point in full. That is, in fact, the objection to the Bill itself. Mr. Goenka seems today to argue even more clearly than before: follow the editor, if you like, but do not follow the proprietor or the owner of the press.

Shri Goenka: I did not say that.

Shri Rajagopalachari: I am sorry that was the impression left in my mind. The emphasis on intention leads me to that conclusion. To emphasise on intentions does mean that at no time can a proprietor of the press be followed and it is only the writer who must be pursued. If an individual is to be pursued, there is no case for a law of this kind.

Shri Goenka: I may make my position clear. What I meant was that if only, as Pandit Kunzru put it, you can attribute something to the writer, the penalty to the publisher and keeper will follow.

Shri Rajagopalachari: I have quite understood him. The point is this. He cannot confuse the issue. I respectfully

submit. If in an ordinary seditious case, or in a defamation case, or things like that where the printer is involved and the publisher and writer is involved, evidence must be proved against the principal offenders before the vicarious responsibility attached to the accessories. Quite correct in a case where you follow the ordinary Penal Code and proceed for a criminal offence against a particular individual. But this is not that. Here we are dealing with a totally different matter. It is more analogous to cases where we have made various enactments like the Food Adulteration Act and things like that, where an organisation is guilty of an offence, though to no one in particular there, can be attributed the criminal intention.

We proceed in all these cases upon the effect produced, upon the facts and we do not go into the intention either of the principal offender or of the accessory. The question, therefore, is what is the main purpose of the Bill. If we keep to the main purpose of the Bill no question of intention can arise. For any defence in order to prove that though a certain thing is objectionable no action ought to be taken there is plenty of room for showing innocence, for showing absence, for showing a number of points which may be taken relevantly into account and which the Judge will have to take into consideration under clause 4(b). I may go further and say that a judge may very well ask—as in course of time they are bound to ask—the Government: "Why have you come for this petty case; go back." The court may very well ask in course of time: "Why have you not given him a warning before you came here?" The court may very well ask: "Why have you not waited for a repetition of the offence before you brought him to the court." All these things may be asked and Government would have to consider whether they should take action in any particular case, there is no case for a law, have provided for it.

Mr. Naziruddin Ahmed wants to put the burden so to say on the English language in this matter. He says, "Yes by all means, the effect of the word should be the test, but the intention of the writer shall be taken into consideration." He is a purist in that matter. He is a purist with regard to the essentials of the criminal intention that are required for proving an offence against an individual who is prosecuted. That, as I said, is not the point here. If we have to make clear, let us make it clear in an unambiguous manner. It is not by way of presumption that we can say that a certain

thing is objectionable matter. It is by way of direct inference of the effect of the words or the signs or visible representations used. It is not, therefore, a matter of intention.

Then with regard to the amendment, the complex amendment, proposed by Pandit Thakur Das Bhargava, wherein he says "where the likelihood of the effect mentioned in the sub-clauses is punishable as a substantive offence under the Indian Penal Code", he has only put in somewhat complicated language the main objection—with which I have dealt already—namely that here I am creating a new offence. I am not creating a new offence, I wish to repeat. I say that dissemination of matter which will lead to criminal offence with the full intention that he refers to is what is sought to be dealt with. That is within the law and the Constitution. Therefore the amendment cannot be accepted by me because it would only make the Explanation infructuous altogether. I, therefore, submit that these amendments should not be accepted and that the purpose of the Bill should be given effect to. I have done my best in the form of the Explanation which I have proposed.

One more matter before I sit down. I am sorry I have complicated the position by introducing a change from "tend to" to "likely to" and tacking to it this Explanation. One has to learn from experience. If I had stuck merely to "tend to" and allowed the discussion to carry on, possibly we might have finished the clause by now. Because I tried to make way I have suffered. But I think it is a good thing that we try as far as possible to meet one another. Mr. Kunzru seems inclined to think, whenever I make an amendment, that the original thing was better perhaps than the second thing. He is living in a state of fear which is wholly unnecessary. He need not be so afraid of me. I am trying to make things as clear as possible. If hon. Members think that the English word "tend" is simple enough and good enough and no indirect tendency is involved—when it is only "tend" and not "directly or indirectly" as was in the old phrase—then I would be quite content with that word. But if you put the word "is likely to", which is safer and sound and precise, I want this clear notice to be given to everybody concerned that it is not the intention of the Government to ask for proof of criminal intention on the part of keepers and publishers but to go only on the meaning and effect of the

words. Therefore that Explanation should be there.

I am sorry for having committed the mistake yesterday of introducing the word "writer" and creating an unnecessary discussion over that and, again, an unnecessary suspicion over the change. We are dealing in this Bill only with keepers of press and publishers of newspapers and therefore we should refer only to them.

On the whole I am inclined to advise hon. Members to accept this, namely, the Explanation and the phrase "likely to". It will give more satisfaction ultimately to everyone concerned.

Lastly, remember again that the Government cannot run away with things because they have to cope with a whole Court and a whole argument and do things, and one experience on their part will make them not to try in another case where they will fail. Therefore no one need be afraid of it.

Shri R. K. Chaudhuri: What about my support—the grounds on which I supported?

Shri Rajagopalachari: I am pleased with the grounds that were offered, namely the main point, though it was done rather dramatically and with a great deal of picturesqueness. We have to go by the results and the effect of things, and not by intentions. He has caught the pith of all my argument and illustrated it with force and entertainingly.

Mr. Deputy-Speaker: I will first put the amendments to the amendment.

Pandit Thakur Das Bhargava: May I submit that all the objections to this amendment have not been allowed to be put before the House? You were pleased to tell me that my objection under the Constitution Act will be subsequently heard. Those points have not yet been gone into. Therefore I would beg of you to kindly put the amendments afterwards, when the whole discussion is over.

Mr. Deputy-Speaker: So far as this amendment is concerned, this amendment will be put to the House with the amendments that have been moved to it. Then we will go clause after clause. And then all constitutional issues may be raised.

Pandit Thakur Das Bhargava: Would this amendment be open?

Mr. Deputy-Speaker: No.

Pandit Thakur Das Bhargava: The fundamental objection, that is under the Constitution, has not been gone into.

Mr. Deputy-Speaker: I am not going to allow this. I never said anything about it. Yesterday the hon. Member argued this matter and I referred to it incidentally saying that in the Constitution itself it is 'incitement'.

Pandit Thakur Das Bhargava: You were pleased to refer to it, but I was not allowed.

Mr. Deputy-Speaker: Yesterday the matter of Constitutional amendment did not arise at all. Yesterday he did not refer to it.

Pandit Thakur Das Bhargava: You said that I will have another opportunity.

Mr. Deputy-Speaker: Incidentally he was referring to the Constitutional amendment and he said that he will refer to it in the course of the clauses. By all means he can do so, but not with respect to this amendment.

Pandit Thakur Das Bhargava: This I accepted, but what is the result?

Mr. Deputy-Speaker: I understood him to say that that can be raised with reference to the clauses, and he said that this is a fundamental objection. There is no meaning in my putting it to the House, taking the vote of the House and then reopening it. I never got that impression. So far as this amendment is concerned...

Shri Deshbandhu Gupta (Delhi): Before you put the amendment I want to ask a question. The hon. the Home Minister said that in his personal opinion his amendment as it stands now, with the words "likely to" and the Explanation, is preferable. May I take it that he is willing to go to the original draft and leave it to the House,—if in the opinion of the House the explanation has made things worse and that he has no objection to withdraw this amendment?

Shri Rajagopalachari: It is a fair offer, so to say.

Mr. Deputy-Speaker: The hon. Minister has said so much and there is a chance of all the "tendencies" being omitted—"to tend to incite" will be omitted. What is the good of once again going into the same matter? The hon. Minister also, I would say with all respect, must make up his mind.

Shri Rajagopalachari: Sir, there was a desire on my part to which I

gave feeble expression, that if the gentlemen who represent the press and who are concerned so much about this would prefer the one or the other, then I would certainly have no objection. But having come to this stage I entirely agree with you that it will complicate matters, and I am conscientiously in my own mind clear that "is likely to" with this Explanation is better than the previous provision.

Mr. Deputy-Speaker: The only alternatives according to the hon. Minister are either to accept the amendment or to allow the clause to stand as it is. I am sure Mr. Deshbandhu Gupta cannot persuade the other Members to withdraw all their amendments. Therefore, having spent so much time on this I do not want to go back to the other alternative now.

Shri R. VeJayudhan (Travancore-Cochin): The original wording is better than the amendment.

Mr. Deputy-Speaker: One cannot go on interrupting the proceedings by concurrent observations. I will put the amendment of Pandit Thakur Das Bhargava which reads thus:

In the amendment proposed by Shri Rajagopalachari, add the following at the end:

"where the likelihood of the effect mentioned in the sub-clauses is punishable as a substantive offence under the Indian Penal Code".

Shri J. E. Kapoor: Sir, there is some slight mistake in the amendment. Pandit Thakur Das Bhargava's intention is that the proposed amendment should be put at the end of Explanation 2.

Pandit Thakur Das Bhargava: That is what I gave notice of.

Shri J. E. Kapoor: And not at the end of Explanation 3.

Mr. Deputy-Speaker: This will be at the end of Explanation 2 as moved by the hon. the Home Minister.

Pandit Thakur Das Bhargava: When I read it out I submitted that it should be added at the end of Explanation 2. What you have read is the original amendment and probably the office has interpreted it as if it was to be added to Explanation 3, which will be the effect of the words "be added at the end". In amendment No. 319 there are two Explanations, 2 and 3. I want these words to be added at the end of the first Explanation which is shown as Explanation 2 in No. 319.

Mr. Deputy-Speaker: Very well. •

Shri Shiva Rao (Madras): May I submit, Sir, I am in some difficulty as to the procedure that you are following. The hon. Minister has two amendments. The first is that in line 3 of clause 3, for the word "which", the words "which are likely to—" be substituted. Then, his second amendment is to add the explanations, which he has proposed and which has been greatly amended this morning. I would like to know whether you are taking the two amendments together or putting them separately to the vote. If you are putting them separately to vote, I would like to know, what happens to the amendments Nos. 3 and 4 in list 1 which stand in my name.

Mr. Deputy-Speaker: I am putting these amendments to the amendment. For the purpose of clarification I will say first what the amendment of the hon. Minister is. This is an amendment to that amendment. The amendment is: that in clause 3, after the words 'visible representations' in the preamble, the following words be added: "are likely to—". Then, in part (i), omit the words "or tend to incite or encourage"; in part (ii) omit the words "or tend to incite or encourage"; in part (iv) omit the words "tend to"; in part (v) omit the words "are calculated to"; in (vi) omit the words "tend to"; in (vii) omit the words "are calculated to"; and add new explanations after the explanation that is already there. Number it as (1) and add these explanations as (2) and (3). The first explanation is:

"Explanation 2. In judging whether any matter is objectionable matter under this Act, the effect of the words, signs and visible representations and not the intention of the keeper of the press or publisher of the newspaper or news-sheet as the case may be, shall be taken into account."

The next explanation is:

"Explanation 3. Sabotage is the doing of damage to plant or stocks, or to bridges, roads, and the like with intent to destroy or injuriously to affect the utility of the plant or the service or the means of communication."

This is a whole amendment, a single amendment. I will put this amendment of the hon. Minister without Explanation 3, which I will put separately because no discussion has taken place on Explanation 3. The rest of the amendment is one. To that amendment, two amendments have

been moved: one set by Pandit Thakur Das Bhargava and another set by Mr. Naziruddin Ahmad. I shall now take up Pandit Thakur Das Bhargava's amendment, the earlier amendment, which is an amendment to Explanation 2 as newly sought to be added by the hon. Home Minister in his amendment. I shall put it to the House.

Shri Rajagopalachari: After the words 'shall be taken into account'. Because Members are doubtful as to what it refers to. If we say, after the words "shall be taken into account" instead of saying, at the end, then we may know what it is exactly.

Mr. Deputy-Speaker: The question is:

In the amendment proposed by Shri Rajagopalachari add the following at the end of Explanation 2 after the words "shall be taken into account":

"Where the likelihood of the effect mentioned in the sub-clauses is punishable as a substantive offence under the Indian Penal Code."

The motion was negatived.

Mr. Deputy-Speaker: Now, the amendment moved by Mr. Naziruddin Ahmad, No. 320. Is the hon. Member pressing this amendment?

Shri Naziruddin Ahmad: Yes.

Mr. Deputy-Speaker: The question is:

In the amendment proposed by Shri Rajagopalachari for the proposed Explanation 2 to clause 3, substitute the following:

"Explanation 2. In judging whether any matter is objectionable matter under the Act, the intention of the writer as expressed in the words, signs or visible representation shall be taken into consideration."

The motion was negatived.

Mr. Deputy-Speaker: So far as Explanation 2, that is, amendment to Explanation 2, moved by Pandit Thakur Das Bhargava is concerned, I shall see whether I put it after the main amendment of the hon. Minister is put to the House. This is substantially a negative amendment.

[Mr. Deputy-Speaker]

The amendment that I have already read out to the House moved by the hon. Minister to clause 3. The question is:

(i) In the preamble to clause 3, after "visible representations which" add the following:

"(a) are likely to—"

(ii) in parts (i) and (ii) omit the words "or tend to incite or encourage";

(iii) In part (iv) omit the words "tend to";

(iv) in part (v) omit the words "are calculated to";

(v) in part (vi) omit the words "tend to";

(vi) in part (vii), omit the words "are calculated to"; and

(vii) for part (viii), substitute the following:

"(b) which are grossly indecent, or are scurrilous or obscene."

To clause 3, add the following new explanation:

"Explanation 2. In judging whether any matter is objectionable matter under this Act, the effect of the words, signs and visible representations and not the intention of the keeper of the press or the publisher of the newspaper or news-sheet as the case may be, shall be taken into account."

I am not putting Explanation 3. That will be put later. The entire amendment, minus Explanation 3 is now put to the House.

Shri Shiva Rao: What precisely is now put to the House?

Mr. Deputy-Speaker: I am putting the same question which was read out on a former occasion; but hon. Members do not seem to attend to what is going on. The whole thing has been read out once, but if the House wants, I shall read it out again. That will only mean taking away so much of the time of the House.

Shri Goenka: And so do I understand Sir, that the Explanation regarding sabotage etc. is now put to the House?

Mr. Deputy-Speaker: No, that is left over for the present. The amend-

met and Explanation 2, are now put to the vote of the House.

The motions were adopted.

Mr. Deputy-Speaker: And so in view of this, the amendment of Pandit Thakur Das Bhargava is now barred.

Shri B. Das (Orissa): On a point of information, how is that amendment barred? You should have put his amendment first and not the Government amendment.

Mr. Deputy-Speaker: But his is a negative amendment. One wants the intention to be taken into consideration, and the other does not.

Pandit Thakur Das Bhargava: My amendment does not cover all the cases. There may be cases in which the intention need not be considered, and in such.....

Mr. Deputy-Speaker: Very well. If the hon. Member wants me to put his amendment to the House I have no objection. It has been sufficiently discussed and so I put it to the House now.

The question is:

To clause 3 add the following new explanation:

"Explanation 2.—No matter shall be deemed to be objectionable matter unless the intention or assumed intention of the author as deducible from words, signs or visible representation or otherwise is proved if intention is necessary to be proved to prove the relevant offence under the Indian Penal Code."

The motion was negatived.

Mr. Deputy-Speaker: Now we take up sub-clause (i) of clause 3. Which are the amendments that are being pressed?

Shri Naziruddin Ahmad: I beg to move:

Omit part (i) of clause 3.

In part (i) of clause 3, omit the following:

"or encourage or tend to incite or encourage".

Mr. Deputy-Speaker: Amendments moved:

Omit part (i) of clause 3.

In part (i) of clause 3, omit the following:

"or encourage or tend to incite or encourage".

Shri Rajagopalachari: If we are dealing with sub-clause (1) I may point out that Shri Goenka has an amendment—No. 195 by which he wants the deletion of the words "signs or visible representations".

Mr. Deputy-Speaker: Yes, but as was suggested, we will dispose of the other sub-clauses and then come back to the preamble. Well, then, portion of amendment No. 29 is covered by the amendment accepted by the Home Minister.

Pandit Thakur Das Bhargava: I beg to move:

In part (i) of clause 3—

(i) Omit the words "or encourage or tend to incite or encourage";

(ii) for the words "to resort to" substitute the words "to commit any act of".

(iii) for the words "resort to violence or sabotage" substitute the words "to commit any unlawful act"; and

(iv) Omit the words "in its authority in area".

Mr. Deputy-Speaker: Amendment moved:

In part (i) of clause 3—

(i) Omit the words "or encourage or tend to incite or encourage";

(ii) for the words "to resort to" substitute the words "to commit any act of".

(iii) for the words "resort to violence or sabotage" substitute the words "to commit any unlawful act"; and

(iv) Omit the words "in its authority in area".

Shri Goenka: I beg to move:

In part (i) of clause 3,—

(i) Omit the words "or encourage or tend to incite or encourage";

(ii) Omit the words "or sabotage";

(iii) Omit the words "or undermining"; and

(iv) Omit the words "or its authority in any area"

Mr. Deputy-Speaker: Amendments moved:

In part (i) of clause 3,—

(i) Omit the words "or encourage or tend to incite or encourage";

(ii) Omit the words "or sabotage";

(iii) Omit the words "or undermining"; and

(iv) Omit the words "on its authority in any area".

Pandit Kunzru: I would like to move my amendment No. 30.

Mr. Deputy-Speaker: It is barred by the amendment that has already been adopted by the House. There has been so much discussion over it as to whether intention should be there or it should be irrespective of intention.

Shri R. Velayudhan: I want to move my amendment No. 165 in list 5. I beg to move:

Omit part (i) of clause 3.

Mr. Deputy-Speaker: The following amendments are now before the House for discussion: Nos. 28, 29, 114, 198 and 165.

Shri Naziruddin Ahmad: The first amendment that I moved is:

Omit part (i) of clause 3.

This amendment expresses a fundamental attitude which some of us have ventured to take with regard to this Bill. We have been insisting upon one fundamental principle, namely that the offences, or semi-offences as they are called by a disguised name, are all covered by the Indian Penal Code.

Mr. Deputy-Speaker: I would request hon. Members not to repeat the arguments already advanced.

Shri Naziruddin Ahmad: It is in our own interest not to do so, we would make our arguments precise and simple; or else we would confuse ourselves.

The point is that the Penal Code covers all this. If in addition to the offences under the Penal Code we create another kind of offences or semi-offences, as the Home Minister would call them, we only multiply offences; we are creating new offences.

[Shri Naziruddin Ahmad]

The House will see that part (i) of the clause corresponds to the present section 124A of the Penal Code. There are other parts which have their corresponding sections in that Code. Although the matter has been repeated by us several times and although you have ruled that the matter has been sufficiently brought home to the House, yet I was amazed to find that one of the speakers on the treasury benches, Mr. Diwakar, was supremely unconscious of the fact that there are corresponding offences in the Indian Penal Code. There are corresponding offences in the I. P. C. for each one of the offences under the Bill. And although Mr. Rajagopalachari appreciates that there are corresponding offences, he said yesterday, probably in an unguarded moment, that the special laws relating to the Press had become invalid on account of the constitutional difficulty. The Home Minister said that there is something like a legal void,—(An Hon. Member: chaotic condition.) I am paraphrasing his argument,—in the legal field. I was wondering whether he was consciously ignoring the Indian Penal Code. There is no void, there would be no chaotic condition which, the hon. Minister was pleased to consider, would be the effect of the rejection of the Bill. If I commit an offence corresponding to the present offence there is ample remedy under the I.P.C. and the Criminal Procedure Code. There is no chaos: there is absolute legal order in existence.

I would ask the House to consider sub-clause (i), which reads:

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

The House will also consider the corresponding offence in the Indian Penal Code, namely section 124A which reads:

"Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India shall be punished with transportation for life....."

This has been held to be ultra vires of the Constitution and the Consti-

tution has again been amended with a great deal of hurry leaving section 124A absolutely in a chaotic condition. This section could have been cured by a simple adaptation by executive order. But the Minister of Law has said that he has too much work in his hands, that he was fully tired of his many legal preoccupations and for want of time and hands it could not be adapted. So there is a chaotic condition in regard to section 124A. A man may commit an offence under section 124A and there would be doubt as to whether any offence has been committed. The courts will be in doubt and any particular case would have to go to the Supreme Court for a final opinion.

There are other sections in the I. P. C. also which partly cover this. There are offences relating to abetment. Section 107 says:

"A person abets the doing of a thing, who—First.—Instigates any person to do that thing; or, Secondly.—Engages with one or more other person or persons in conspiracy for the doing of that thing....."

If we encourage or incite any person to commit an offence it is abetment. Ordinarily an abetment is no offence unless an overt act is committed. But there are well known exceptions under the Indian Penal Code.

I will draw the attention of the House to section 115 of the Indian Penal Code. It says:

"Whoever abets the commission of an offence punishable with death or transportation for life, shall if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years....."

Here there is an exception to the general principle that abetment in order to be an offence requires that the act must be committed or some other offence must be committed in abetment of the offence. But section 115 is an exception. It lays down that if a person incites or induces any person to commit an offence punishable with death or transportation for life, that is if anybody merely instigates the commission of a serious offence then even though nothing is done in pursuance thereof he would be punishable.

Mr. Deputy-Speaker: Why go so far? Section 108 itself provides for it. The explanation to section 108 says:

"To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused."

Now, how long will the hon. Member take to conclude?

Shri Naziruddin Ahmad: A few minutes more.

Mr. Deputy-Speaker: He may resume 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]

NOTARIES BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Minister of Law (Dr. Ambedkar): I beg to present the report of the Select Committee on the Bill to regulate the profession of notaries.

PRESS (INCIDENT TO CRIME) BILL—contd.

Shri Naziruddin Ahmad: Before we adjourned for lunch, I read section 115 to show how the mere instigation for the commission of a serious crime is a crime. Sections 116 and 117 relate to instigation of lesser offences. Section 117 deals with a peculiar kind of offence, that is to say, if there is instigation for the commission of an offence and it is done to a class of persons exceeding ten, that is, if we excite a mob, it is an offence. These four sections can completely effectively and without any gap or exception cover all incitements from the most serious to the most minor offences. In this Bill we are dealing with the instigation by newspapers for commission of offences. The Home Minister said that the Penal Code would be useless because the newspaper authorities would be protected under anonymity. I submit they would not be protected by anonymity. The writer in every case goes scotfree unless he comes forward, but both under the penal law and the present law, you can catch hold of the editor, the printer or the publisher.

So there is nothing in the point that we cannot get at the offenders under the Penal Code. The editor, printer and publisher can always be caught. If there is an article in a newspaper and, its tendency is to incite crime, that incitement comes within the mischief of the Penal Code. Then there is a Press and Registration of Books Act which really deals with newspapers and books seeking registration. In England there is a corresponding Act. Under this Act, newspapers are required...

Mr. Deputy-Speaker: Have all these points not been urged before? The main attack on the Bill is that the ordinary law under the Penal Code and Criminal Procedure Code is enough and this exceptional law is not required. All this has been said before.

Shri Naziruddin Ahmad: The hon. Law Minister said that we are helpless under the Penal Code. I am going to show that we are not helpless.

Mr. Deputy-Speaker: The same thing is being said over and over again. The general trend of attack has been under two or three categories. One is that the ordinary law is enough. The hon. Member is referring to this same point again.

Shri Naziruddin Ahmad: I am only referring to the Law Minister's interpretation.

Mr. Deputy-Speaker: The hon. Member's interpretation may be otherwise. Does that mean that we should go on and on with the same thing?

Shri Naziruddin Ahmad: The argument which I am going to mention has not been made before.

The Minister of State for Transport and Railways (Shri Santhanam): He is advancing the same arguments again.

Shri Naziruddin Ahmad: I think this interruption is unnecessary, as the hon. the Deputy-Speaker can well take care of himself. I am going to advance an argument which has been ignored. Under the Press and Registration Act, the printer and publisher is known. You can always get at them. In Section 7, the editor is also presumed to be responsible.

Mr. Deputy-Speaker: The editor is out of the question in this Bill.

Shri Naziruddin Ahmad: The editor is a man fed by the finances of the paper; he would be affected. He can.

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be caught under section 8-A. Under section 7 there is only a presumption that the man in whose name it appears is the editor, but under section 8-A if the editor finds that even though he was not the editor on a particular date but due to a mistake his name appeared, then he is to report to Government within two weeks of such publication.

Mr. Deputy-Speaker: What is he driving at?

Shri Naziruddin Ahmad: I am replying to the argument of the Home Minister that we cannot catch hold of the responsible persons. Under these sections, we can catch hold of the printer and publisher and also the editor, if within two weeks he has failed to deny his editorship. So there are three persons on whom responsibility is fixed. So, the argument that you cannot get at anybody falls through. I am not replying to the general argument—that has been repeated *ad nauseum*. Under section 7 of the Press and Registration of Books Act the printer and publisher can be proceeded against and under section 7, read with section 8-A the Editor can be brought to book. Therefore, there is ample scope to get hold of some people and the argument that you cannot get hold of anyone does not hold water.

Then there are the general principles of law. So far as the Penal Code is concerned it deals with intention. In fact, it has been held repeatedly and quite recently in a Privy Council case that unless intention, knowledge or *mens rea* is proved the offence cannot be established.

Mr. Deputy-Speaker: I think we have disposed of this point. So far as this Act is concerned, intention need not be proved. What is the good of the hon. Member labouring on that point.

Shri Naziruddin Ahmad: I am attempting to take sub-clause (i) out of the purview of this clause.

Mr. Deputy-Speaker: The House has accepted that this clause will apply notwithstanding the fact that no intention is proved.

Shri Naziruddin Ahmad: We have accepted that; but I want to prove its mischievous character and to omit sub-clause (i) so as to take it out of its mischief. That is why I am emphasising *mens rea*.

Mr. Deputy-Speaker: The hon. Member's argument comes to this. He would be allowed sub-clause (i) to remain in the clause if intention was to be proved. But now that it has been shown that intention was not necessary, he is against part (i).

Shri Naziruddin Ahmad: That is an additional argument in my favour. The mischievous proposition has been accepted. But I, am personally opposed to that sub-clause. According to the Penal Code...

Mr. Deputy-Speaker: That has been discussed at length. The only point is whether intention should be taken cognizance of or not. Hon. Members ought not to take up the time of the House by repeating the arguments. If he has any fresh points he may urge it.

Shri Naziruddin Ahmad: If you are not prepared to permit me I am willing to sit down.

Mr. Deputy-Speaker: I am here to regulate the business of the House. I am not casting any aspersions. I agree hon. Members are *bona fide* in their intentions. But unfortunately the House has come to a different decision and there is no point in sticking to a line of argument.

Shri Naziruddin Ahmad: It is now too late to get rid of explanation 2. But I should point out that sub-clause (i) is obnoxious according to well known standards of the Penal Code, and I would like it to be removed on the ground that it is already covered by the provisions of the Penal Code.

It was said yesterday by the hon. the Home Minister that he cannot get hold of anyone. I want to show that it is not a fact.

Shri Santhanam: He is now coming back to his first point.

Shri Naziruddin Ahmad: It is very easy, sitting in a position of authority to interrupt. But the hon. Member has experience of the opposition.

Mr. Deputy-Speaker: Let there be no digression.

Shri Naziruddin Ahmad: What is the effect of an interruption except to provide a digression? I know the Chair's authority and wisdom is enough to take care of itself. I do not think the Chair needs any extraneous authority to strengthen its hands. If it is the object of the Government to pass Bills with eyes blindfold there is at least a section of the House who would like to hear; there is a section

outside the House ready to hear. The Bill has been condemned out-right all through.

Mr. Deputy-Speaker: It is no good speaking in that strain. What is the point of the hon. Member?

Shri Naziruddin Ahmad: We are not dealing here with a mathematical proposition that 2 plus 2 is equal to 4, so that the mere statement of the proposition would be enough. I would have finished my arguments but for these repeated interruptions. They simply disturb the chain of thought and it is impossible to argue with this interference. The hon. the Home Minister repeatedly rises from his seat to explain things. We are not permitted to do that. I think I have stated my points. If I had been given the time I would have elaborated on them.

Shri Deshbandhu Gupta: My objection to the Bill is a fundamental one.

Shri Naziruddin Ahmad: On a point of order. That has been argued repeatedly. Why is he repeating it?

Shri Deshbandhu Gupta: I will state that objection again when the Third Reading comes.

Shri Naziruddin Ahmad: It is absolutely unnecessary.

Shri Deshbandhu Gupta: At this stage I only wish to point out for the consideration of the House and the hon. the Home Minister that his agreeing to remove the words "tend to incite or encourage" with the addition of the explanation has to my mind made things worse. He has not given thought probably, or the attention of the House has not been invited to the retention of the word "encourage". I want to invite his attention to the amendment of the Constitution which this House recently passed. According to that amendment all that the clause permits is:

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law to prevent the State from making any law in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause, in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence."

Mark the words "incitement to an offence". According to me—I am a

lay man, not a lawyer—the House would be going beyond its jurisdiction if it passes any law which makes "encouragement" or "tendency to encourage" an offence. The limitation passed by the Constitution is that incitement to an offence is the only thing in respect of which this House can make a law. This Bill goes far beyond that. I do not know whether the attention of the hon. the Home Minister has been invited to this aspect of the question. Of course there are other friends who are more competent to speak on this point. Therefore I would only suggest—if the consideration of friendliness with the press or other bigger considerations do not weigh with the hon. the Home Minister or the Government today—that the consideration of keeping the law strictly within the four corners of the Constitution is one which should weigh with them. Otherwise the House would be stultifying itself by passing an enactment which really takes it beyond the jurisdiction which is provided by the Constitution. This is one consideration which without taking more time of the House I wanted to state briefly.

The second consideration I wanted to urge is in regard to the words "in any State thereof or its authority in any area." I do not think these words "its authority in any area" occur in the substantive section from which this clause has been borrowed. "Its authority in any area" may mean the Deputy Commissioner, the Sub-Divisional Magistrate down to a village chowkidar who is in the employ of the Government in a village, and a constable. I think it is far too wide. This clause gives far too wide powers. The object which this clause may have in view would be amply served if this addition were not made to this clause.

I do not wish to take any more time of the House, Sir. I only wanted to point out these two aspects of the question and I will take another opportunity of expressing my views as regards the Bill.

Paadit Thakur Das Bhargava: I am glad that my friend Shri Deshbandhu Gupta has spoken on the amendment of which I have given notice, namely No. 114. In my amendment I have included five points.

In regard to the first part of my amendment, these three words have been taken out and I do not want to speak on it. But, the word "encourage" is there. There is absolutely no doubt in my mind that the words "incitement" and "encourage" have got different meanings. Otherwise the

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hon. the Home Minister who weighs his words so carefully, will not use these two words. Now, it is quite true that incitement has been regarded as constituting some ingredients of certain offences under the Indian Penal Code. For instance under section 505 we read of incitement, incitement to an offence. But I very respectfully submit that encouragement so far as offences are concerned has not been used to my knowledge—I am subject to correction. It has been very rarely used in regard to offences. If the law insists that incitement to an offence is one in respect of which reasonable restrictions can be placed, it does not require any argument to show that as a matter of fact reasonable restrictions in respect of encouragement are certainly not warranted by the words of the Constitution. I submitted this in my dissenting note also. In the same way these three words are there in relation to contempt of court, defamation or incitement to offence. Sub-clause (a) (2) of section 3 of the Constitution (First Amendment) Act shows that there are five subjects in the interests of which we can put reasonable restrictions, and there are three kinds of acts which come within the mischief of sub-clause (2). In regard to those five subjects I shall have occasion to show that in this Bill there are certain subjects which do not come within the purview of this sub-clause (2), for instance extortion, criminal intimidation, inducing public servants to behave in a particular manner. These are all extraneous matters so far as sub-clause (2) of section 3 is concerned. In regard to the acts the words are in relation to contempt of court, defamation or incitement to offence. Suppose a person does anything which does not amount to contempt of court, that thing will not be covered under sub-clause (2) of section 3. Similarly in regard to defamation, if a person used libellous language to safeguard his own interest or to protect public interests which is not defamation, it will not come under it. If there are any restrictions made in respect of matters which do not amount to these three acts, namely contempt of court, defamation and incitement to offence, they would not be covered by sub-clause (2) of section 3.

My humble submission is that these words in part (i) are too wide. In the first instance I beg to submit the words "to encourage" should not be there. This makes a new offence. The claim made by the hon. the Home Minister is that he is not creating new offences. My submission is that as the Indian Penal Code does not contain

anything declaring that encouragement to do these things is tantamount to an offence, if you put the word "encourage" here certainly it becomes a new offence. Because Rajaji has claimed that there is no new offence I have to submit this aspect of the case.

The second part of my amendment is that for the words "to resort to" the words "to commit any act of" be substituted. If you see the third part of my amendment, which is an alternative amendment, it would appear that as a matter of fact I am rather enlarging the scope of this, because to say "to incite or encourage any person to resort to violence" is certainly much less than to enact by substituting the words "to commit an act of violence" or "to commit an unlawful act". Any act of violence or any act of sabotage is certainly an unlawful act, is certainly an act which the law punishes. In the first instance we do not know what the actual meaning of the word "violence" is. So far as the word "violence" is concerned, it has not been defined anywhere in law. I have seen the dictionary meaning. There it appears that "violence" is generally used, in regard to language also, in regard to other matters also. Physical violence may be in regard to property; physical violence may be in regard to inanimate objects. I know of a ruling in a case that if a person strikes a *lathi* on earth, even that would amount to violence. If you put the words "to commit an unlawful act", there we know; the unlawful acts are defined in the Indian Penal Code. If any act amounts to an offence, certainly we take the same thing which comes under the Indian Penal Code. If we do not adopt this phraseology it will mean that we are creating new offences not known to law. Rajaji has accepted that that is not his purpose.

So far as sabotage is concerned, sabotage is being defined by the amendment of Rajaji (Explanation 3) which has not yet been adopted by the House.

4 P.M.

I know that the word 'sabotage' as it is used in that explanation or in that amendment is not enough. Recently I know we were considering another Act, namely, the Punjab Security Act in which 'sabotage' has been defined in detail; it includes a large number of subjects. The word 'sabotage' is not defined anywhere. Now to give a new definition and a restricted definition is not correct. If we do so, then we would be limiting its scope. I for one am anxious that so far as the question of overthrowing or undermining the

Government established by law is concerned every possible act which is unlawful and which is committed with this intention should come under this clause. But I do not want that this section should be so restricted that certain actions may come and other actions may not come within the purview of the section. Since we are going to see that the authority is not flouted anywhere in the State, it is necessary that we make the scope as wide as possible. The present words "inciting any person to resort to violence or sabotage", I want them to be widened because some other law will be brought in this House later on. I want that once and for all we put an end to this and widen the scope to such an extent that so far as the question of overthrowing the Government established by law in India is concerned, the law may be foolproof. Supposing a person acts in such a manner that he does not come under 'sabotage'. 'Sabotage' has a very restricted operation. So far as the definition is concerned, this is something else. For instance, in the Indian Penal Code, there are sections which speak of acts which damage the Government property, etc. and the word 'mischief' is defined in such a way that it will cover many unlawful acts not otherwise provided and it will cover not only an act of sabotage, or an act of violence but every other act. I would respectfully ask the Home Minister to accept this amendment of mine as it would serve his purpose better; it would include many other acts which are not mentioned in this Bill.

Next I come to the words "in its authority in area". I suggest that these may be excluded. Now the words Government established by law in India being undermined and the Government established by law in any State being undermined is all right. I do not know what else remains which does not come within this definition. The words 'in its authority in any area' are capable of being misinterpreted and they are words which may give rise to many other interpretations. For instance, 'the authority' may mean another Department, the Police Department. I know that in regard to clauses also in 6, it was held by one High Court that Police officials are a class. Therefore, this word 'authority' may be considered to be some other authority. So far as we have known the words used under section 124A with regard to 'sabotage' are: Government established by law in India. Here these words are quite extraneous and I do not understand why these words are used. If we keep these words, they

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may be misused or may be interpreted in ways, which we do not know of. Let us keep to our traditional rules and laws with which we are acquainted. These words are unnecessary and should be got rid off. My suggestion is that I do not want to enlarge the scope but I am very anxious about this. We do not know any other law. We framed the Constitution and now knowingly we cannot go against the Constitution and when we passed the Constitution Act, we understood its meaning and these words are not there. If they are now used, it may be said it was done in the interests of the State. By adding this, we are not well advised because we would be doing something which goes beyond the ordinary meaning of these words. Apart from that this section widens the scope of all the criminal laws and it creates new offences. I am very anxious and Rajaji is equally anxious that no offence should be created but my difficulty is that I have not been able to convince him. As a matter of fact by this new phraseology and by using words with a wider meaning, by enlarging the scope we are really creating new offences. I am equally anxious about the security of the State and our law should be made foolproof. I am anxious as Rajaji is anxious that so far as we are concerned, we must have this law but at the same time I cannot help feeling that the wording is far wide because it enlarges the scope to such a large extent, that many people who are quite innocent will come within it. I submitted this point for consideration in the morning but the House agreed that the word likely is to be used but I say the House has not looked at the question from the point of view of Constitutional law. A reference to sections 108 and 99 will convince the House. If you will bear with me for 2 minutes more, I beg to submit that Section 108 is quite specific: It reads:

"Whenever a Chief Presidency or District Magistrate or a Presidency Magistrate or Magistrate of the first class specially empowered by the (Provincial Government) in this behalf has information that there is within the limits of his jurisdiction any person but within or without such limits either orally or in writing (or in any other manner intentionally) disseminates or attempts to disseminate or in anywise abets the dissemination of:

(a) any seditious matter that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code;

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(b) Any matter the publication of which is punishable under section 153A of the Indian Penal Code;

(c) Any matter concerning a judge which amounts to criminal intimidation or defamation under the Indian Penal Code."

This is the present law and this is good law even today. Section 108 is part of the common law of this land. Section 99 is also identical.

Only seditious matter cannot be disseminated, but new matter which is likely to be seditious cannot be disseminated. This means that any matter which is likely to create sedition is also introduced by this Bill. There is absolutely no ground for enlarging the scope and content of the definition and this is against our Constitution and this is against the fundamental principles of all legislation which we attempt to enact. In regard to these matters, we are not doing the right thing and we are knowingly going outside the Constitution.

Shri R. Velayudhan: I have moved an amendment to 6 out of the 7 parts of clause 3 and now I wish to move only the amendment for the first part, that is to say incite or encourage or likely to incite or encourage any person.....

Mr. Deputy-Speaker: That need not be read. I take it that the hon. Member wants to omit that part.

Shri R. Velayudhan: That is the amendment.

Mr. Deputy-Speaker: Of course Mr. Naziruddin Ahmad has already spoken on it. The hon. Member will speak on points not mentioned by him.

Shri R. Velayudhan: When I want to move an amendment to this particular clause, I wish to express here that I do not want to repeat whatever other hon. Members have stated but I wish only to emphasize on a certain aspect of the discussion which we had upon this particular part of the clause. Of course, it is my opinion that we had had enough discussion on this Bill already and therefore, I do not want to repeat anything but at the same time it is my complaint that sufficient discussion has not taken place on the political character of this Clause. I only want to emphasize the political nature of this particular part of the clause because it touches the very root of the Constitution, the very democratic nature of the Constitution as explained by the previous speakers. I

am not going into the constitutional or legal aspect of this question but it is a fundamental aspect, I mean the democratic nature of the Constitution which we adopted about three years ago. When the amendment to article 19 (2) of the Constitution came before this House about four months before, I wish to remind hon. Members that I was one of those 19 persons who opposed that particular clause, and then I resigned from the Congress party on that particular issue. Therefore, I have got a particular right or claim to speak on this particular section of the Bill, because I stood on that principle and I left the Congress Party on that principle.

Now, what are the political implications of this particular clause? Its political implications are too deep. Of course, my hon. friend Mr. Goenka said that this Bill has come not as a sudden bomb-shell. But, it has come gradually as a plot against the people of this country. I wish to emphasise that point once more. I have grave doubts that this is a kind of long-standing conspiracy by the Government in power against the people of this country.

Some Hon. Members: Conspiracy?

Shri R. Velayudhan: Of course. Otherwise, a clause like this would not have been brought before this Parliament. Not only a clause like this; there was no particular use, there was no particular reason also for changing that article 19 (2) of the Constitution, which we have accepted. Therefore, what I have to say is that, when this particular clause is not in accordance with our Constitution itself, the Government want to perpetuate not something democratic in the country; they want to perpetuate a Government of their own choice, a Government of their own in the country. They have no desire or inclination to use the word 'State'. Instead of that, they say, 'Government established by law', as the British Government said some years before when we were all fighting for freedom. What does it mean when we say 'Government established by law'? We do not say that this present Congress Government is not established by law. It has come in a constitutional way. It has not come by overthrowing the British Government in a single day. It has come legally. It has come like the transfer of power in Indian hands. Therefore, when this wording is used here, we have every reason to doubt, to fear, what will be the future of those people who want not a Congress Government in power for ever, but some other Government

in power. Of course, I have my differences with the Government. But, that is a democratic difference. I do not want the use of violence in the country. I do not want sabotage in the country to overthrow the State. But, I can, overthrow this Government not only in a non-violent way, but in a violent way also. This is my conviction.

Some Hon. Members: Oh!

Shri Bharati: You will not be allowed to do that!

Shri R. Velayudhan: Of course, I know the Government which is in power will not allow me. That is because this Bill is here. Otherwise, the Bill could not have been here.

Shri R. C. Upadhyaya: We have got our heads also.

Shri R. Velayudhan: Therefore, our contention is that you want to put down all opposition in the country and perpetuate one party Government and one party dictatorship in the country. I do not say it is personal dictatorship. I cannot say that against our leader Rajaji that he is a personal dictator. I cannot say anything like that against any other leader of the Congress party today. But, I say you are under a great frustration; you are under a great fear and therefore you have brought this Bill. You have lost confidence in the people. You want to establish party dictatorship. You have not tested the spirit of the people of the country. If you had tested the spirit of the people, you would not bring such a legislation, such an obnoxious legislation, such an autocratic legislation, before the Parliament today.

My second point is this. You are bringing this Bill at a time when we are facing the general elections in the country. Can I not doubt legitimately that when this Bill comes when we are preparing for the general elections, that this Bill is intended to suppress the other opposition parties that are working against the Government today?

Shri Sonavane (Bombay): Is the hon. Member speaking on the clause or is he making a general speech?

Mr. Deputy-Speaker: On part (i).

Shri R. Velayudhan: If the hon. Member can understand the implications of part (i) of clause 3, he will understand that I am speaking only commonsense and that I am only making reasonable points here. The hon. Deputy-Speaker has interpreted that.

I know how far the hon. Member can know about these things also.

Mr. Deputy-Speaker: Let there be no crossing of swords across the table. The hon. Member may kindly go on.

Shri Sonavane: The hon. Member is very much excited; let him cool down.

Shri Nasiruddin Ahmad: That is unfair.

Shri R. Velayudhan: I know to cool down myself. I have not lost my senses. I am standing on firm footing as any man is standing in this House today. I am not like the hon. Member perhaps.....

Mr. Deputy-Speaker: Let there be no bandying of words. The hon. Member will kindly support his amendment.

Shri R. Velayudhan: I will not support him; that is his complaint.

To continue what I was saying, this Bill has come at a time when we are preparing for the general elections. It is not a small thing. Perhaps, the Congress party may think that as they are having a large majority in this House, they will not have much difficulty in getting a huge majority in the next elections and therefore it will not affect very much the other parties. (*Interruption*).

Mr. Deputy-Speaker: The hon. Member need not be disturbed.

Shri R. Velayudhan: When we stand for a democratic State in the country, we want to see that all the obstacles are removed, both constitutional and at the same time from the point of view of Government practice also. I shall show how it will affect our elections. I can give you one instance. Even in my State of Travancore-Cochin, it has happened. I also stated in this House that even Press conferences were banned in that State, the other day. The hon. Home Minister may not be aware of that. But, we, who are fighting for elections in the State are seriously realising what difficulties we are undergoing there, to get a majority, and to overthrow the Congress party in the next elections. They are going to use the little power they have. Even before this legislation, they have banned all Press conferences in our State. I would like to state to the hon. Home Minister this. If no action is taken against any Press, or if the papers are not interfered with by the State Governments, and if any action is taken, it will be from him here. I can understand that to some extent. But, this Bill is not like that. After all, he is also retiring from the

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Government. Therefore, this Bill will work havoc in the States where we are working for general elections. These are some of the initial difficulties that we are facing when we want to oppose this particular legislation that has been before the House.

The next point that I have to touch upon in this connection is about the word "encourage". I do not want to enter into the constitutional or Penal Code aspect of it. After all, we know what the word "encouragement" or "encourage" means. But when it comes to the practical working of the Act, I am sure every police man will be able to catch hold of us and say that we have encouraged this thing and that thing. He can report to the Government in power to that effect. The executive can do that very easily. So, I ask the Government, why should they create all these difficulties for the people in a young democracy like ours?

An Hon. Member: To suppress opposition.

Shri R. Velayudhan: But I do not think there is any opposition in the country now. At present we only complain about our various difficulties, and we are worried over it. Can we not tell the Government about the mismanagement that is going on, about the corruption that we find all around? We should be able to do that, through the newspapers and other ways. If we cannot do that, then it is not a democratic way of things. We say that we should follow democratic countries like England and America and we quote authors of those lands also. Even yesterday the hon. Minister quoted Laski. Well, I do not know much about Laski, I have just read some of his works and have gathered the impression that he was a political prophet. Well, when we quote with approval these authors, should we not also practise what is being practised in those countries? Let me tell the Government that we are prepared to give them all the cooperation that they want for managing the affairs of the country in a better way. They need have no fear about that. They need not have any suspicions. For suspicion is a dangerous thing and it also leads to dangerous consequences. You have therefore come to this pitch that you do not know what to do in the future and where to go if you leave off power. That is a dangerous psychology that we see not only in the treasury benches but also in the Congress Party as a whole in the country.

I cannot understand the cause for this fear or this kind of psychology. Are we not the disciples of the most courageous man that this age has produced? Why do you then feel worried over these things? Is it because of personal interest?

Mr. Deputy-Speaker: This law is also for the hon. Member if he comes to power.

Shri R. Velayudhan: But we will not feel any such fear or hesitation. We know how to sacrifice and we are not bothered about wordly pleasures or power. We have that kind of psychological and philosophical background behind us. And that is what worries me more, that a person like Rajaji should have brought such a measure before the House. That is the mental worry that I have, that such a great philosopher as he should have brought it forward. He spoke yesterday towards the end of his speech about morals. That was the moral taught by the Father of the Nation and nobody else can interpret it better than Rajaji.

Shri Goenka: If you will speak a bit slow and less loudly we will be able to follow what you say. As it is, we are not able to follow what you say.

Mr. Deputy-Speaker: He is only saying once again for the benefit of hon. Members who probably were not present, what he has been saying already. Therefore they would not have lost much. Has the hon. Member exhausted all his points?

Shri R. Velayudhan: No, Sir. I am coming to my last point and it is this. When Government brought this measure here, they should also have laid it down how it should be worked by the different States. The hon. Minister said that it will not work havoc in the States, but that only particular kinds of activities would come within its scope, and that the ordinary working of the Government will not be disturbed. But let me remind the House that similar promises were made even previously also. For instance, we know that when the Preventive Detention Act was passed in this House the assurance was given that it will be used only in places where actually undesirable things took place. But we know that was not actually the case and the States misused this power, and at the same time they brought ill-repute on the Congress Government. Sir, all these proposals and measures result from the suggestions from the States and the Governments become more and more

unpopular. You get unpopular, but you do not want to go away. Have you lost faith in the people? If not, why do you want more power? And if you have lost faith in the people why not give place to those who have faith in the people?

Shri Rajagopalachari: I shall try to deal with the points made. But I must apologise to Mr. Velayudhan because I did not grasp a single sentence of his. He spoke too loudly; but I did not wish to disturb him because that would lead to nothing but a repetition. I however, tried to understand from one or two words that I heard here and there, what his point was. I should apologise to him because I am not going to deal with what he said.

First of all, Mr. Naziruddin Ahmad's point is this. Under the Registration of Books Act, you get the keeper registered, the editor registered and all the others registered. Therefore it is wrong to plead difficulty of getting at the author or the person responsible as justification for introducing a Bill of this kind.

Shri Naziruddin Ahmad: You cannot get at the author in any case.

Shri Rajagopalachari: And in as much as under the Registration of Books Act, you can get hold of the keeper, editor, publisher and so on, you cannot plead any reason or justification for a separate law of this kind, either with reference to sub-clause (i) or generally speaking. But then he fails to remember that we can get the name of the keeper, the editor and the publisher and all that from the Registration of Books Act. But for what purpose? Can you prosecute the person for anything in the Penal Code? You have to prove personal responsibility and intention. The Registration Act will not help to interpret the Penal Code. Therefore, what is the position? We have again to examine the question and we come back to the old question. If an individual is to be prosecuted for an offence in the Indian Penal Code, although word for word, it may be the same as that which is described in clause 3, we cannot attribute and successfully attribute responsibility to the person unless you satisfy the conditions of the Penal Code. The Registration Act responsibility will not apply to the Penal Code, unless, of course, we pass this Bill and we apply the responsibility of the Registration Act to the men registered under the Act for purposes mentioned

in the Bill. For purposes mentioned in the I. P. C. the Registration Act cannot be used. The entire structure built by Mr. Naziruddin Ahmad with great skill and acumen falls to the ground like a house of cards. (Inter-ruption). You can have another argument but I am answering the argument you have advanced. The reason for including the clauses, the brothers of which are in the I. P. C., is in order to get the vicarious responsibility of the disseminators of the matter into the statute. Otherwise under the Registration Act or under the I. P. C. we cannot get that responsibility. That is the reason why we want this clause, even though otherwise it is entirely covered in the case of an individual by the I. P. C.

Pandit Bhargava again referred to his King Charles head, namely that a new offence is being created. I want to know what he meant by a new offence being created. There is the first clause regarding signs or visible representations which are likely to incite or encourage certain things. The offence in sub-clause (i) to which reference is made is in the I. P. C. in various forms but the visible signs and words which incite the commission of such an offence is not an offence under the I. P. C., unless I prove that a particular person was guilty intentionally of doing such a thing. The justification for including this in this clause is that the person cannot be proceeded against simply because he has been registered as a keeper of a press or publisher of a paper under the terms of the I.P.C. or even under the terms of the Cr. P. C., section 107, to which reference has been made more than once, by Pandit Bhargava.

Pandit Thakur Das Bhargava: Under section 108 if a person disseminates seditious matter.....

Shri Rajagopalachari: I understand the point. I have worked for 18 years as a lawyer and I can understand the point.

Several Hon. Members: Order, order.

Pandit Thakur Das Bhargava: The hon. Minister says that he has understood my point. I beg to be allowed an opportunity of asking a question on this point so that he may answer it.

Shri Rajagopalachari: I do not want to give way for a speech but if a question only is to be put I give way.

Pandit Thakur Das Bhargava. I do not want to make a speech. I am not

[Pandit Thakur Das Bhargava]

fond of making speeches. Under section 108 of the Cr. P. C. only seditious matters can be disseminated for which a person can be got hold of. But here you are making matter which is likely to be seditious and the dissemination thereof as constituting an offence.

Shri Rajagopalachari: I do not wish to argue on every point unless persuasion has a chance of being successful. Any prosecution under the I. P. C. or any proceedings taken under section 108 of the Cr. P. C. cannot be successful unless it is backed by proof of personal and individual responsibility of the person standing before the Court. Whether under the Cr. P. C. or the I. P. C. the personal moral responsibility of the particular individual who is answering the charges will have to be proved. Here the scheme of the Bill is that the machine of the press which is utilised for dissemination should be approached in a different manner and that is to make a person who has registered his press under the Registration Act responsible for what is happening in the press in respect to these matters without proof of personal moral responsibility. But as to what the penalty should be for such an amoral act, that is to say without having proved moral responsibility on the part of a person prosecuted against whom you can fix no moral responsibility for the act, that is a different matter. We cannot put him in prison. We cannot do certain things which we can against a criminal in whose case moral culpability has been proved. This has been considered by other people and I have considered it also and these are the subjects which I think come in reasonably. When responsibility has been proved for which you are not morally responsible for anything done by you yourself, for the first time you may go off with a warning or be sent away with a few words of reprobation or with words of commendation if the offence is not proved. That is special procedure provided in this Bill, which to a large extent is much like what was done under the previous Act but is different also in material respects, which I have referred to in the discussion. This procedure is intended for acts where we cannot prove culpability against the person as directly responsible for the particular acts, it is this with which we are dealing. That is the difference which I want hon. Members to keep in mind without repeating their arguments. No doubt it comes up relevantly under each clause,

namely the basic difference between a prosecution under the Indian Penal Code and proceedings under this Bill.

There was considerable argument on the word "encourage" which it was suggested should be omitted and I shall deal with it. Pandit Bhargava said that the Constitution has been amended in certain specific terms and that should be respected. It says:

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State public order or in relation to incitement to an offence."

If I feel sure that this Bill or any particular provision referred to in the debate comes within this description as a whole I am on safe ground. I have not the slightest doubt in my mind—I can only state what I feel and I want hon. Members to take it as my opinion—that sub-clause (i) of this clause and every other sub-clause in clause 3 falls within the ambit of what I have read.

Let me ask hon. Members to remember that an article of the Constitution is not to be interpreted like a leasehold document, a will or a testament I think I am quoting from Oliver Wendell Holmes—or I would add even as a section in an Act of Parliament. An article of the constitution is very different from a section in an Act of Parliament. The words that have to be interpreted are different in nature and import and the Judges would support me if any case is taken to the court on this issue. The rules of interpretation are entirely different when applied to a constitution and when applied to an Act of the legislature. Otherwise a brief constitution like the American constitution could not cover all that it has covered in its history and in the interpretation of that constitution by the Supreme Court of that country. We have unfortunately by accident copied the Government of India Act as if we were a subordinate legislature and put down 300 and odd sections. It may be wise or may not be wise but the point is that the length of our constitution should not mislead us to think that the way in which we should interpret an article of the constitution would be exactly the same as we would interpret an

act of the legislature. I maintain that the particular language used:

"Nothing which has been said with respect to the freedom of expression will prevent any law being passed imposing reasonable restrictions on the exercise of that right in relation to the security of the State or in relation to public order or in relation to incitement to an offence"

would cover the provision we are considering. It would be entirely proper. I have no doubt in my mind. I would not proceed to put in a clause in this Bill which would if challenged in a court be declared *ultra vires*. I submit, therefore, that the argument of unconstitutionality should not be accepted by the House.

Then the argument is this—it goes back to the old question: this is not an incitement to an offence. It need not, I say, necessarily be an incitement to an offence. Even if it is in the interest of public order, or if it is in the interest of the security of the State it should be enough, and so far as sub-clause (1) goes it is entirely within the provision "in the interests of the security of the State.....and public order". But it is also quite correct to argue, as I do, that it is an incitement to an offence. The word "incitement" as used in the article of the Constitution is, as was rightly observed by Pandit Bhargava and some others, a word which does not occur in the ordinary penal law we have in our country, that is the Indian Penal Code, and that is the very reason why the word "incitement" is put in the article in the Constitution.

Pandit Thakur Das Bhargava: It is used in section 505

Shri Rajagopalachari: Only in 505 which deals with dissemination—there also they intended a more general thing than abetment or aiding and the like, and therefore they used a new word, "incitement". Here also in the Constitution we used the word "incitement" in order to cover every kind of incitement. When passing a law, however, we cannot simply repeat the words of the Constitution; that would be an artificial way of dealing with it. If I had simply said "incitement", I simply got rid of the trouble of arguing in the Supreme Court that a particular provision falls within the terms of the article which uses the word "incitement". That would only be an artificial way of getting out of the difficulty. I maintain, in substance, before this House now that

"incite" as well as "encourage" as used in this clause are both covered by the words "in relation to incitement" in the article. I would also ask my hon. friend, Pandit Bhargava to remember—in his own way I am arguing this, I am following his example in this particular matter—that "in relation to incitement" is different from what he has in his mind. In law "in relation to incitement" would cover even if I had used a broader word than "encourage".

Now let us come to the word "encourage" itself. Particular amendments I think have been moved dealing with the proposal to remove the word "encourage". A word about that. What is "incitement" and what is "encouragement"? Incitement is when the other party has not thought of it before. That is the ordinary difference between the two words which anybody can understand—it does not require any lawyer to help us to understand it. Incitement is where another person who has not previously thought of it is made to think of it and do it. Encouragement is where the other person is already ready for the thing; he has the idea in his mind, and you do something to encourage him, to give more courage about it and get along with it. These are the two things that we are dealing with here. Which is worse? I would ask hon. Members to consider for a moment. Incitement may or may not succeed, words which incite may or may not succeed, but words which encourage are bound to succeed. If the preparation is already there, the readiness being there, the objectionable matter becomes more dangerous where it encourages. I want therefore that both these things should be prevented. I am not afraid of the constitutional difficulty: let us look at it substantially. Do hon. Members really want any person to publish matter which encourages any person to resort to violence and sabotage for the purpose of overthrowing or undermining the Government either in one place or in another place? That is the simple question. If hon. Members do not want objectionable matter of this kind to be published, if they do not want any paper to publish matter which incites or encourages any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India, or in Bombay, in Madras, in Punjab, or in Telangana or Tripura, or in any part of a State, such as is referred to in the last part of this clause, then hon. Members should have no difficulty in accepting this clause. There is no meaning in going on debating a thing on the

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theoretical and academical plane. Let us deal with things as they come and are. If any other clause comes where mere theory is important let us discuss then, but here when we are dealing with a matter of fundamental importance in regard to the security of the State, there should be no hesitation in accepting it; it will not commit hon. Members or follow that if they accept this they must accept every clause. The thing here is quite plain and simple: even if there were no word "encouragement" elsewhere, it ought to be here. That is my case. In a grave matter of this kind the words "incite or encourage" are absolutely necessary. When we take an Act of Parliament into the Court we must be quite precise. If a man is already ready to commit murder—I am giving an illustration, this has nothing to do here because I am not dealing with an individual crime but for understanding my point I ask hon. Members to take this into account—if a man is already prepared to commit murder, if I say something then it is very easy for me to prove that although I said it he was already going to do it, therefore there was no case of incitement. Suppose there is a man who is already asleep, you cannot bring a charge that I gave opium to him in order to go to sleep? He was already asleep—that would be the answer. Here are people who are doing already all they can by way of violence or sabotage for overthrowing or undermining the Government; if any paper writes stuff which encourages them to do it, it will not be incitement, obviously. Do you mean to say any incitement is needed from me to make the communists burn the records in Telangana? No, the court would say. But if the word "encouragement" is here then we can say we do not want incitement or encouragement. I have tried my best to explain from the point of view of a layman which I am in the present case, as to why I want "incitement" and "encouragement". It is far too important to omit. Otherwise I would not be worrying about a single word. I have carefully read the clause about abetment in the Penal Code—it does not cover encouragement; it only covers instigation, conspiracy and aiding therefore it is necessary to have the words "incite or encourage".

Then the important change was suggested that we should omit the phrase "or its authority in any area". It was thought and it was expressed more than once that it would simply place people in the hands of the policemen, head constables and the like. I can-

not for the life of me understand this nervousness. Does this Bill or does this clause give any authority to people to proceed against individuals? No; it proceeds only against papers-keepers or publishers. What is the fear to you of head constables, constable and policemen in this matter? Hon. Members suddenly imagine that this is a penal law which we are introducing for the purpose of prosecuting individuals. No; with regard to newspapers what is the meaning of this phrase? Please read the phrase keeping the newspaper in your mind. Objectionable matter appears which tends or incites people to overthrow or undermine a Government. Which Government, and where, is the question? The Government in India, or the Government in any State, or the authority in any area? Whose authority? The authority of the Government established by law in any area.

Shri Goenka: What do you mean by that?

Shri Rajagopalachari: I am trying to explain what I mean. I can only give my reasons—I cannot give understanding to those who are unwilling to understand, or who pretend not to understand. I am sure Mr. Goenka understands what I mean, but without paying compliments I will proceed to say it. He is depending on the confusion of the word "authority", when "authority" is used as in the phrase "competent authority" that is not the "authority" here. Here authority is in small 'a', not capital 'A'. It is not an officer, it is not an authority. It is authority, without 'an' or 'the' or any such thing. Whose authority? It is the authority of the Government of the State. And if I want to explain my meaning, I can only do so by example. The authority of the Government of Hyderabad was sought to be undermined in Telangana has been undermined for some time past. There have been attempts to overthrow the authority of the Government of India in Telangana and Tripura. Further attempts are brewing now to overthrow the authority of the Government of PEPSU in certain areas in PEPSU. I need not go on giving examples, lest I be committing the very offence which I am trying to stop here. I do not want to incite or encourage such things. These are the things that I mean. Any lawyer or judge will explain that this does not give any power to the police constable. A defamatory libel against a constable is not undermining an authority of the Government of India or the State in that area; not a bit. Kindly remember that the verb 'overthrow or undermine' governs 'or its authority'. It does not talk of authority

in the sense of an officer or criticism of such officer. Overthrowing and undermining are very strong terms. I have not used any words which would be just reduction of authority or power. (Interruption). Over throwing is altogether overthrowing, but undermining is a preparation which will blow up the authority; it is an operation in order to effect a complete overthrow. The overthrow is the overthrow completely of either the Government of India or of the Government of Bengal or Bombay or of the authority of the Government of Bengal or Bombay in any area in those States, but remember it is overthrowing the authority or undermining the authority of this Government in that area, and not any criticism of any 'Authority', Authority with capital A, in that place, whether magisterial, police or anything else. Therefore, there is no danger whatever in the House accepting sub-clause (i), because we want the security of the State to be properly protected against current activities of a criminal nature. I have done.

Shri Goenka: May I know from the Home Minister whether from 1921 to 1931 we had any special press law? Was there no provision even in the Criminal Procedure or Indian Penal Codes by which they could get at the printer or the publisher?

Shri Rajagopalachari: We cannot answer these questions. We had not a republic for a long time. We had not our own Government for a long time. Changes take place in the world and changes take place together. Certain things take place and then as a result certain other things take place. Did we have anybody in those days who operated as they now do in Telangana? Did anybody try to take over the authority of the Government, even though it was a *maharaja* who was sleeping in his palace?

Shri Goenka: My question is totally different.

Shri Rajagopalachari: It is not. In those days it was either an external attack that was the danger, or a famine or a pestilence. In those days every body felt that order and rule was necessary and there was no internal disorder of the kind that we have now. We had no newspapers in the very early days. They lived from hand to mouth. A foreign Government always lives from hand to mouth. But as Home Minister of a free Government of India, I have confidence that the Members will give their approval to what I ask, because it is in their own interest and it is in the interests of the State. So, what was not done in 1921 or 1931 can and should be done

now. Could the British Government have brought the Hindu Code Bill?

Shri Naziruddin Ahmad: It was the British Government that brought that Bill.

Shri Rajagopalachari: Not the British Government. At the pressure of the people, they brought some Bills. Could they bring any Bills of the kind which we can bring now? Therefore, it is not possible to answer questions of this kind, but again this is a general question and a reversion to the whole Bill under the pretext of dealing with sub-clause (i).

Shri Goenka: I understood the Home Minister to say that since there was no law by which the printer, publisher or keeper of the press could be apprehended this Bill is necessary. I want to know from him whether there was any special law for the press during the period I mentioned.

Shri Rajagopalachari: At that time, there was no necessity felt for controlling the substance in the newspapers. Today we are trying to do something for which we want this machinery. In those days, we did not use forks and knives when we ate, but now we want forks and knives and we sit at table to eat. We have diagnosed the disease and the remedy is prescribed and we want the instrument for applying that remedy. I do not think even the hon. Member who cross-examines me has any doubts in his mind, it is obvious to me.

Before I sit down I wish to deal with one small matter. Pandit Bhargava has suggested that instead of 'resort to violence or sabotage' we may say 'to commit any unlawful act'. To that extent, he is trying to improve the Bill. I very much wish I could accept this wide phrase, but I do not think it would be right now. We have committed ourselves firmly to 'resort to violence and sabotage' and it would be broadening it far too wide if I put in 'commit any unlawful act'.

Mr. Deputy-Speaker: I shall now put the amendments. The question is:

Omit part (i) of clause 3.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In part (i) of clause 3, omit the following:

"or encourage or tend to incite or encourage".

The motion was negatived.

Mr. Deputy-Speaker: Now I come to Pandit Thakur Das Bhargava's amendment No. 114. (i) has already been put and lost. (iv) he has not moved. So, I shall put parts (ii), (iii) and (v). The question is:

In part (i) of clause 3 for the words "to resort to" substitute the words "to commit any act of".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In part (i) of clause 3 for the words "resort to violence or sabotage" substitute the words "to commit any unlawful act".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In part (i) of clause 3 omit the words "or its authority in area".

The motion was negatived.

Shri Goenka: I desire to withdraw my amendment No. 198.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Mr. Velayudhan's amendment is barred, because a similar amendment of Mr. Naziruddin Ahmad has been lost.

Shri R. Velayudhan: On what basis will the other amendments which are of the same nature as mine stand now?

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Mr. Deputy-Speaker: All of them are barred.

The hon. Member need not be afraid that a discrimination has been made. All of them have been thrown out.

Shri Naziruddin Ahmad: I beg to move:

Omit part (ii) of clause 3.

Pandit Thakur Das Bhargava: I beg to move:

In part (ii) of clause 3,—

(i) Omit the words "or encourage, or tend to incite or encourage";

(ii) before the word "offence" insert the word "cognizable".

Mr. Deputy-Speaker: Amendments moved:

Omit part (ii) of clause 3.

In part (ii) of clause 3—

(i) Omit the words "or encourage, or tend to incite or encourage";

(ii) before the word "offence" insert the word "cognizable".

Shri Naziruddin Ahmad: So far as part (ii) is concerned it prohibits, "incite or encourage, or tend to incite or encourage, any person to commit murder, sabotage or any offence involving violence". In moving for the deletion of this part, I must not be supposed to encourage murder, sabotage or any act involving violence.

My only point is that this is covered by section 115 of the Indian Penal Code. I would, however, like to draw the attention of the House to one point. The hon. the Home Minister has been repeatedly saying that under the ordinary law the editor and the printer cannot be caught, unless his individual responsibility is proved. I do not agree. But I speak from current experience (*An Hon. Member:* As opposed to past experience.) as opposed to the distinguished past experience of the hon. the Home Minister. It is this. If a paper publishes anything which encourages violence and the editor, printer or publisher is prosecuted the editor cannot escape on the ground that individual responsibility is not proved. Section 7 of the Press and Registration Act says that it must be presumed that the Editor is the editor "of every portion of that issue of the newspaper". The old law contained a loophole in this respect.

Mr. Deputy-Speaker: Is it the point that if the editor is punished the printer and the publisher should be left.

Shri Naziruddin Ahmad: The hon. the Home Minister said that the editor cannot be got at. That argument has been repeated. I am only trying to counter it.

Shri Rajagopalachari: Current practice is certainly recognised and respected by me, but even if editor is editor of every part, the Indian Penal Code cannot apply.

Shri Naziruddin Ahmad: I do not want to repeat from the Indian Penal Code, because it is distasteful to the Government side. But it is clear that the Editor is editor of every part of the paper. That presupposes that the editor is personally responsible for every part of the copy. There was a loop-hole, as I said, in the old act which led to a case in the Calcutta High Court. A special Bench of the Calcutta High Court recommended that there must be something to fix

editorial responsibility. It was in consequence of that judgment that an amendment was effected in the old Press and Registration Act. Now under the amended section the editor is responsible. I do not wish to repeat that argument. I am only trying to counteract the argument of the hon. the Home Minister that the editor cannot be held personally liable. According to the current law neither the printer nor the publisher, nor the editor can escape liability under the Penal Code on the ground that he did not know anything.

I know the hon. the Home Minister enjoys a very high reputation, but I regret that he should think it necessary to use expressions of good humour like inferior calibre in the House.

I know that any expression of opinion from him is weighty enough. He need not use expressions of banter or a kind of withering with and sarcasm against inferior intellects in the House.

Shri Rajagopalachari: I should protest and point out that it had nothing to do with the hon. Member. My hon. friend behind me tried to converse with me and I told him something in good humour. I object to this being exaggerated into a proceeding of the House in this form. It is unfair to me. If I scratch my neighbour, my hon. friend would like to make it an act of violence.

Shri Naziruddin Ahmad: I should think that a mere expression of opinion is weighty enough from the hon. Minister without the withering wit attached to it.

Shri Rajagopalachari: I want to make it clear to Mr. Naziruddin Ahmad and every Member that when I use any kind of banter I make sure that the other person is receptive and also enjoys it.

Shri Naziruddin Ahmad: On previous occasions I have seen that banter is a great favourite of the hon. the Home Minister. Banter against inferior calibres are sometimes necessary but not by the hon. the Home Minister.

I suggest that the part (ii) should be deleted.

Pandit Thakur Das Bhargava: "I think it is an act of violence" were the words used by the Home Minister when this talk was going on. In respect of the manner in which my

friend wanted to criticize, the Home Minister said "That is an act of violence". I will just submit to you, Sir, that unfortunately the same word "violence" is also used in this connection—"offence involving violence". This is the expression which I am objecting to. I am submitting that the word "cognizable" as used in the Act of 1931 may be used before the words "offence involving violence". According to me it is very difficult to say what is an offence involving violence. Therefore I would beg of the hon. the Home Minister to kindly agree to add the word "cognizable" as it is in the Act of 1931 to these words.

As regards my other amendments I, have just submitted that the word "encourage" may be dropped from here.

Mr. Deputy-Speaker: Does it not enlarge the scope? Theft is cognizable.

Pandit Thakur Das Bhargava: The argument I am submitting is a bit different. If you look at the matter from the standpoint which the Home Minister placed before us, he asked the question "Does the House want that encouragement to some acts which undermine the authority of the State or the government established by law or overthrow it should be there? Does it want that such acts should be committed and does it not want that these acts should be prohibited?" This is not a fair way of putting the question to the House. We are looking at the matter from the point of view of reasonable restrictions as we have got in the fundamental rights. The House should consider all these questions from the basis that in article 19 (1) the Constitution has granted the rights of freedom and the rights of free speech. Are you going to take away those rights by the use of these words? In regard to the State it was stated that State is a sacred thing and if the security of the State is not secured where do we stand? This murder, sabotage and offences involving violence are not in the nature of State offences. They relate to offences against private persons. We know how any person in a personal capacity can be put to trouble if he uses such words as take away from the right of the freedom of speech etc. I therefore beg of the Home Minister to look at the matter from a different angle. I want that only such acts as come within the purview of the Constitution Act should be there. So far as the word "abetment" is concerned

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it is defined in section 107 Indian Penal Code—it means instigating, entering into a conspiracy or aiding. These are the three things which that word means. If "incite" and "instigate" are the same, then incitement is there as instigation is also there. "To encourage to commit murder" has never been used so far as the Indian Penal Code is concerned. To that extent it enlarges the scope of the restrictions and is therefore not a reasonable restriction. When we use the words "are likely to" then the scope is so much widened that I am afraid any press man could be hauled up even for using words which the author of those words never intended to mean. If you widen the scope I do not know how much liberty of the subject will remain with the press if at all. From that standpoint I beg of the House and of the Home Minister to look at it from that angle. I do not want that murder should be encouraged. At the same time I am also anxious so far as the liberty of the subject is concerned that it should not be narrowed down. For it is not a question of the liberty of the press alone but the liberty of the subject also. Therefore I am submitting that this word "encourage" is unnecessary according to the Home Minister also, in this sense, that after all in all incitement there is encouragement also. I have seen the dictionary meaning of "encouragement". It is used in a much wider sense. The word "incitement" also has been used in substitution of "instigation" and in some places in substitution of "encouragement" also. Since "incitement" has got that meaning what is the use of adding to it or in any way narrowing the scope of the freedom of the individual. From that standpoint I submit that the word "encourage" should be taken away from this.

Shri Goenka: I have given notice of an amendment to drop the words "sabotage or any offence involving violence". I did not move it because "sabotage" has been explained and I had no objection to the explanation of the word. But I do take objection to "any offence involving violence". In the 1931 Act we had the words "any cognizable offence involving violence". I do not want the scope of this Bill to be extended. Besides, I do not want "half-penny two-penny" offences to be the instrument of closing down the press or forfeiture of the press.

Shri Rajagopalachari: May I know from Pandit Thakur Das Bhargava

whether his amendment about cognizable offences keeps the words "involving violence" or not?

Pandit Thakur Das Bhargava: The words "offence involving violence" may be substituted by the words "cognizable offence".

Shri Rajagopalachari: So I understood him rightly. But Mr. Goenka's suggestion is ...

Shri Goenka: I only want "cognizable" to be added.

Shri Rajagopalachari: It is a different thing from his. You have not given this amendment?

Shri Goenka: I have not given it.

Shri Rajagopalachari: I am not objecting. I was trying to see if they were the same. Otherwise he has to make one.

Shri Goenka: If the word "cognizable" is added before the word "offence"...

Shri Rajagopalachari: I shall accept "any cognizable offence involving violence".

Mr. Deputy-Speaker: If they say, for instance, that the members of a particular community shall be beaten, it is not a cognizable offence. Suppose they say that all persons from the north or the east shall be beaten if they are in a particular *shahar* or city.

Shri Goenka: The press cannot be as irresponsible as that! We are giving a heavy penalty. The hon. Minister has very kindly accepted the word "cognizable" which is in the 1931 Act. Let us not make these offences omnipotent.

Shri J. R. Kapoor: May we know what is being accepted?

Shri Rajagopalachari: I have always found that my first thought is best at the end. I do not think these changes are good.

Shri Goenka: When the word "cognizable" is added, it must be offences involving violence. Otherwise it will mean all half-penny offences.

Pandit Thakur Das Bhargava: I am sorry. This is the very amendment that I gave notice of and it would read "cognizable offence involving violence".

Shri Rajagopalachari: That is why I asked the hon. Member specially.

Shri Shiva Rao: I regret that there was any suggestion made for the deletion of sub-clause (ii). My mind goes back to the end of January 1948. I cannot forget the date. On the 28th of January, that is two days before the great tragedy took place in Birla House, one of the papers in Delhi published an open letter which was incitement of or encouragement to murder. There was no suggestion that that murder was for the purpose of overthrowing or undermining the government established by law in India. Nevertheless, it was from my point of view highly objectionable. I think we should draw a very sharp distinction between sub-clauses (i) and (ii) and the rest of the sub-clauses of clause 3.

I accept the suggestion made by Pandit Thakur Das Bhargava that before the word "violence" there may be inserted the word "cognizable", but I do not think we should weaken sub-clause (ii) in any way.

Therefore I support only that amendment and oppose any suggestion for the deletion of that sub-clause.

Mr. Deputy-Speaker: Supposing if some paper on account of sharp differences suggests that all people particularly coming from the North, East or West may be beaten, it will not be cognizable.

Pandit Thakur Das Bhargava: May I know if the suggestion is these persons should be murdered or injured?

Mr. Deputy-Speaker: The suggestion is they may be beaten and handled wherever they are voluntarily. It will not be cognizable.

Pandit Thakur Das Bhargava: If that is the suggestion the words 'any cognizable offence involving violence' would cover that.

Mr. Deputy-Speaker: In this case it will not be a cognizable offence.

Pandit Thakur Das Bhargava: I think the cognizable offence should be specified.

Mr. Deputy-Speaker: A newspaper may go on saying that those who have come from the North shall all be belaboured and no action can be taken against this newspaper.

Shri Goenka: I do not mind whatever words the hon. Minister puts in here.

Pandit Thakur Das Bhargava: May I know if the idea is that a law which says any such incitement or any such writing is punishable will be able to curb all of them? Not at all.

Shri Rajagopalachari: These are not big papers but small papers but very powerful in their own way. A mere clause in that section will also be powerful with them and it will prevent them from doing such things.

Mr. Deputy-Speaker: Members of a particular community in a particular province all mean provincialism and I leave it to hon. Members to accept. I think 'any cognizable offence' will be expanding the scope.

Shri Rajagopalachari: 'Cognizable' can be defined in many ways it can be altered and amended. Whereas we understand exactly what it means here.

Mr. Deputy-Speaker: The question is:

Omit part (ii) of clause 3.

The motion was negatived.

Mr. Deputy-Speaker: Then we come to Amendment No. 115, Part (i) is not pressed. We will take up Part (ii).

Pandit Thakur Das Bhargava: I submit part (i) is more important than part (ii).

Mr. Deputy-Speaker: The question is:

In part (ii) of clause 3—

(i) Omit the words "or encourage, or tend to incite or encourage";

(ii) before the word "offence" insert the word "cognizable".

The motion was negatived.

Shri Deshbandhu Gupta: The hon. Minister had accepted the introduction of the words "cognizable" before "offence".

Shri Rajagopalachari: The hon. Member voted against it. I was prepared for it but we had some further discussion and we agreed the idea may be dropped.

Shri Deshbandhu Gupta: I only wanted to know the position.

Shri Naziruddin Ahmad: I beg to move:

Omit part (iii) of clause 3.

Mr. Deputy-Speaker: Amendments Nos. 116, 166, 205 and 307 are the same amendment.

Shri Naziruddin Ahmad: I do not press my amendment No. 35.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava:

Pandit Thakur Das Bhargava: I move amendment Nos. 116, 117 and 118.

Mr. Deputy-Speaker: Amendment No. 116 is already there. Very well. Amendment No. 117 is for the omission of the words "or encourage a person to interfere with the administration of the law".

Shri Rajagopalachari: I thought he did not want to deal with the word 'encourage' and amendment No. 117 omits the words. It is just the same as the next one. The word 'encourage' is not disputed.

Pandit Thakur Das Bhargava: The word 'encourage' will be taken away?

Mr. Deputy-Speaker: No. The hon. Minister feels that the hon. Member has already agreed to reconcile himself with the word 'encourage'.

Pandit Thakur Das Bhargava: I am not reconciled with anything.

I beg to move:

• Omit part (iii) of clause 3.

In part (iii) of clause 3, omit the words "or encourage any person to interfere with the administration of law".

In part (iii) of clause 3, for all the words beginning with the words "with the maintenance of public order" to the end, substitute the following:

"any persons who disturbs public order; or".

Shri Goenka: I beg to move:

In part (iii) of clause 3,—

(ii) Omit the words "or with the administration of laws regulating the supply and distribution of food or other essential commodities or services".

Shri Deshbandhu Gupta: Before any other amendment is moved, may I inquire from the hon. Home Minister whether he has any amendment to move himself because yesterday we had some idea that the hon. Home Minister has got a certain amendment with regard to certain sub-clauses.

It would simplify the procedure and the discussion and if he has got any amendment in respect of this clause, that may be moved first.

Mr. Deputy-Speaker: Yes.

Shri Rajagopalachari: I wanted to know what are the amendments that are being proposed, so that I may exactly know the position.

Mr. Deputy-Speaker: Then I shall get through all the amendments first. Mr. Shiva Rao; not in his seat.

Pandit Kuesru: I beg to move:

In part (iii) of clause 3, omit the words "with the administration of the law or with the maintenance of public order or".

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava's amendment is already there. Then, Mr. Shiva Rao's amendment is the same as Mr. Goenka's amendment No. 206. Well; these are all the amendments.

Shri Shiv Charan Lal (Uttar Pradesh): I have got an amendment. No. 308.

Mr. Deputy-Speaker: That is the same as Mr. Shiva Rao's and Mr. Goenka's amendment.

Shri Shiv Charan Lal: This is my amendment, Sir, standing in my name and the name of Mr. R. K. Chaudhuri.

Mr. Deputy-Speaker: All these hon. Members have given notice of the same amendment: Messrs. Shiva Rao, Bhatt, Shiv Charan Lal, R. K. Chaudhuri. I do not want to allow four Members to stand up. I have read their names regarding their amendments.

Prof. K. K. Bhattacharya: I have given notice of an amendment.

Mr. Deputy-Speaker: It has not seen the light of day.

Prof. K. K. Bhattacharya: It was given today; I have got a copy of it here.

Shri Rajagopalachari: I have not got it at all.

Prof. K. K. Bhattacharya: I have stated that part (iii) be omitted.

Shri Goenka: Some special consideration to this hon. Member.

Mr. Deputy-Speaker: The hon. Member wants to omit part (iii). Several hon. Members have given the same amendment for the total deletion.

Shri Rajagopalachari: I would like to be told whether Pandit Thakur Das Bhargava has moved amendment No. 118.

Mr. Deputy-Speaker: Yes; he has moved amendments Nos. 116, 117 and 118.

Now, these amendments have been formally moved: No. 34 by Mr. Naziruddin Ahmad, Nos. 116, 117 and 118 by Pandit Thakur Das Bhargava, No. 206 by Shri R. Goenka, and No. 36 by Pandit Kunzru. Some of these amendments have also been tabled by other hon. Members. I have not read their names. Amendments moved:

34. Omit part (iii) of clause 3.

116. Omit part (iii) of clause 3.

117. In part (iii) of clause 3, omit the words "or encourage any person to interfere with the administration of law".

118. In part (iii) of clause 3, for all the words beginning with the words "with the maintenance of public order" to the end, substitute the following:

"any person who disturbs public order; or".

206. In part (iii) of clause 3—

(ii) Omit the words "or with the administration of laws regulating the supply and distribution of food or other essential commodities or services".

36. In part (iii) of clause 3, omit the words "with the administration of the law or with the maintenance of public order or".

Shri Rajagopalachari: I will accept some of these amendments. That would amount to this. I would omit—hon. Members will kindly follow with the Bill in their hands—"administration of the law or with the maintenance of public order or with the administration of laws regulating." So that, it will meet fully with the requests of certain hon. Members for certain amendments to be adopted. I will read part (iii) as it will stand:

"(iii) incite or encourage any person to interfere with the supply and distribution of food or other essential commodities or services or".

What I wish to have is this. Interference is in this context clearly ex-

plained. If I introduced the words 'administration of laws' hon. Members have expressed doubts that it may mean that even criticism would come in for action. I omit all that which may give rise to that apprehension. I also omit the words 'maintenance of public order' because enough provision has been made in respect of that. I would have liked to retain the words 'administration of the law'. But, many hon. Members have given notice of amendments. I do not wish to be contending against all these amendments. I want only this much; that there shall be no interference with the supply and distribution of food or other essential commodities or services. As a matter of fact, the actual machinery of distribution should not be interfered with. I hope that the hon. Members who have given amendments will be content with this. That means, I wholly accept Mr. Naziruddin Ahmad's amendment; Pandit Thakur Das Bhargava's amendment is accepted, I think, because he wanted to remove the words 'maintenance of public order'. Mr. Shiva Rao wanted the deletion of 'administration of law'. Though he had not moved it, I have accepted it. Practically, I think, it goes a long way. I keep intact interference with the supply and distribution of food or other essential commodities or services. I would once again draw the attention of hon. Members, in recommending this part as amended, to the explanation that comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means cannot amount to interference.

Shri Madhava Rau (Orissa): We could not follow the amendment accepted by the hon. Minister. You may please explain what has been accepted.

Mr. Deputy-Speaker: Yes, I shall read (iii) as it will be after the amendments that have been accepted by the hon. Minister.

"incite or encourage any person to interfere with the supply and distribution of food or other essential commodities or service;"

The rest of it goes, that is to say, all the words "the administration of the law or with the maintenance of public order or with the administration of laws regulating"—these words will go.

This means that amendment No. 36 of Pandit Kunzru is wholly accepted. So that need not be discussed.

So far as Mr. Goenka's amendment is concerned, part of it is accepted; that is to say, it is agreed to omit the

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words "or with the administration of laws regulating" and the rest of it is allowed to remain as it is.

Shri Rajagopalachari: The interference with supply of food etc. is retained.

Mr. Deputy-Speaker: As regards amendments Nos. 117 and 118 of Pandit Thakur Das Bhargava, No. 118 is wholly accepted and...

Pandit Thakur Das Bhargava: No, Sir, it is not covered by the amendment suggested by Rajaji.

Shri Rajagopalachari: No. 118 refers to any person who disturbs public order.

Mr. Deputy-Speaker: The hon. Minister does not want any amendment here for the purpose of maintaining public order.

Pandit Thakur Das Bhargava: But I want that public order should be kept and that is the only thing in this Bill which is required to be kept.

Shri Rajagopalachari: I quite appreciate the spirit. But I may mention that public order will be maintained apart from dealing with newspapers. Offences involving violence and all that have been dealt with. To that extent I am satisfied.

Mr. Deputy-Speaker: We have discussed this sufficiently and so I shall put it now to the House.

Shri Naziruddin Ahmad: No, Sir. I want the deletion of the whole sub-clause.

Shri Rajagopalachari: May I appeal to the hon. Member's sense of proportion? When I have given up such a large slice of the loaf, will he not be prepared to give up at least this much?

Shri Naziruddin Ahmad: I am in a minority and my sense of proportion cannot be judged by votes.

Shri Madhava Rau: There seems to be some necessity to improve the grammar of the clause here.

Mr. Deputy-Speaker: We shall leave it to the draftsmen.

Shri Madhava Rau: That is all right, Sir, but I thought you were about to put the clause to the vote of the House.

Mr. Deputy-Speaker: No, not straightaway. They do not want it to be put that way.

Shri Naziruddin Ahmad: With regard to the rest of the amendment, the little concession which the hon. Minister has given shows only the weakness upon which the Bill was founded and justifies the efforts of humble individuals who have placed their views in spite of the heavy odds against them.

Pandit Thakur Das Bhargava: We have to press other amendments which are coming up. So the hon. Member should not adopt that attitude.

Shri Naziruddin Ahmad: Now what remains of this part of the clause is:

"incite or encourage any person to interfere with the supply and distribution of food or other essential commodities or services."

What is the significance of the word "interfere"? It is equally vague and is capable of meaning from almost nothing to almost every thing. It has not been defined. We understand it in ordinary parlance but when we are dealing with rights and creating offences this word "interfere" is too vague. Suppose something is wrong with the Food or Supply Department and somebody criticises it. Supposing there is corruption in these departments and somebody is objecting to corrupt methods being practised or trying to catch hold of persons who are corrupt. Would that be interference or not? (*Shri Bharati:* He has already explained it.) In a court of law nothing would be recognised except the grammatical or logical meaning of the word. Not what the Minister means but what the word means. My first reason is that it is already covered by the Penal Code. My second reason is that what is left is very small. It has a vague meaning and is capable of being misapplied and misused by over-zealous subordinates.

Shri Goenka: I want to say a few words only. If this sub-section confines itself to the supply and distribution of food I would be one with the hon. Minister. But it includes other essential commodities. I am one of those who like control and controlled economy has come to stay. In a Bill of this nature which is of a comprehensive character such essential commodities like cement, paper, steel and textiles will also be covered. I do not know how many more essential commodities may be added. I feel that anything which is absolutely necessary for the maintenance of the people of the country should alone go into the Bill. I would be at one with the Minister if he had confined himself to procurement and the supply of food but other commodities the Minister would be well advised in dropping from the Bill. There is the Indian Penal Code and there is nothing to prevent its coming to the rescue of the Minister. So far as food is concerned I am at one with him, because this country cannot exist without it. But so far as other articles are concerned such as paper, cement, steel and textiles I do not think mention of them will be necessary in this Bill. I would even support him if he says

procurement, in addition to supply and distribution of food.

Prof. K. K. Bhattacharya: I would have liked the Home Minister to delete the entire thing. If he would not do it I would like him to confine himself to the supply and distribution of food and cloth, two very essential things, and leave out the rest. As the House knows the two essential commodities at the present time are food and cloth. As regards cement, steel and other things some people may or may not require them. But food and cloth being basic necessities I want the Home Minister to content himself with those two items and leave out the other essential commodities or services. If you say "other essential commodities" then it gives a wide latitude to the executive authority. I for one do not want that the executive should be vested with large powers in this matter. It may be just possible that unscrupulous officers—I am not saying all are unscrupulous—may, taking advantage of this clause, put some honest journalist or newspaper man into trouble. Therefore, in order to avoid such a contingency I would ask the Home Minister to emphasise only two things: food and cloth, and leave the rest.

Pandit Thakur Das Bhargava: When I moved for the deletion of sub-clause (iii) I had taken good care to see that so far as public order was concerned it was included in sub-clause (ii). My view is still the same, I have not changed it. When we enacted the Constitution (First Amendment) Act, we had two things in mind: the law was defective in so far as it did not empower the Government to make any law regarding sedition and disturbance of public order. We have specifically included the words "public order" in that Constitution amendment. So, I expected that so far as public order is concerned, it will be amply provided for in this Act, but I am very sorry to see that the Home Minister has taken away the words "public order". I for one do not see how those words can be taken away consistent with the fact that we enacted the first amendment to the Constitution with a view to secure powers for the Government. Though I know that in the Penal Code and in the Criminal Procedure Code there are sections which give power to the Government to ensure public order, all the same when we are getting powers on those things in regard to seditious acts, in regard to promotion of hatred, etc., consistently, logically, I cannot understand how the words "maintenance of public order" can be taken out of the purview of this Bill. If even more powers are needed, I would have been very happy to see that they are given
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to the Government, because it is as a result of maintenance of public order alone that things like freedom of speech can be secured. Therefore, I would like that the words "maintenance of public order" should be retained.

In regard to the rest, I am not happy with the use of the word "interference". I do not really know what this word means. As stated by my hon. friend, Mr. Naziruddin Ahmad, this word might mean everything or nothing. In law when we use a word, we ought to see that there is a definite meaning attached to it, otherwise my own fear is that as soon as a complaint about distribution or supply of essential goods appears in a paper it is likely that some persons will take it into their heads to go to some office and ask the man concerned to look into the matter or do something else and this may be regarded as interference. I know that so far as Rajaji is concerned, he has already assured us that this law will not be used in that manner, but Rajaji's assurances are all pious wishes now because this Bill will go to 20 States who are in all stages of development—it will go to Rajasthan, Saurashtra and every other State. Unless we use the right word like "disturb", or some other good word, which may have a definite meaning, my own feeling is that word "interference" is likely to be too vague in an Act of this kind. Therefore, I would rather like that so far as food and cloth are concerned which are no doubt essential goods and supply and distribution of which should not be interfered with, so far as these are concerned, they may be included. We have already heard from Rajaji the meaning of the word "encourage", and when the thing is already there any small criticism or urge may be regarded as "encouragement". That is another difficulty and therefore I want that either the whole clause may go, except the words 'disturb public order', or if the clause is retained, then the word 'interfere' may be substituted by some other word. Our Rajaji is a master in the use of words. He may substitute some other word so that the meaning may be absolutely clear, and mere criticism may not be regarded as having the effect of interference. Otherwise, I am afraid these words are too vague and they are susceptible of being abused.

Shri Deshbandhu Gupta: What about 'obstruct'?

Pandit Thakur Das Bhargava: Yes, 'obstruct' has been used in many other places. Some such word would do, but 'interfere' should go, because mere interference may be regarded in such

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a way that many persons who do not come within the meaning of this sub-clause according to Rajaji's interpretation may be brought within its meaning. As regards the other parts, I have nothing to submit.

In the end, I would only say that the word 'encouragement' would mean a very wrong thing. I only wish that it is taken away. If it is used in regard to State, then I see the full effect of what Rajaji had in mind, but in so far as the Press and the general public are concerned, the word 'encourage' must be taken away. As I said, the word 'interfere' may also be substituted by some other word such as 'obstruct'.

Prof. K. K. Bhattacharya: How about the word 'endanger'? It is more strong. Journalists will not come within the four corners of this then.

Pandit Thakur Das Bhargava: With due deference to him, I must suggest that 'endanger' would not be suitable here.

I have nothing more to say.

श्री भट्ट : माननीय उपाध्यक्ष जी, माननीय गृह मंत्री जी ने धीरे धीरे कर के इस उपधारा को बहुत कम करने की कोशिश की है।

مسٹر آف ایجوکیشن مولانا آزاد :

اب آپ خوش ہوئے یا نہیں -

श्री भट्ट : लेकिन मैं विशेष तौर से उन से प्रार्थना करना चाहता हूँ कि जो हिस्सा वह रक्त रहे हैं उस से गड़बड़ ज्यादा होने की सम्भावना है और इसलिये अगर वह इस सारी चीज की ही निकाल दें तो इस में ही इस की अच्छाई है। इंटरफरेंस (Interference) शब्द के मानी क्या होंगे और क्या माने जायेंगे। यह अलग अलग आदमी अपना अलग अलग अर्थ लगायेंगे। यह जुमला अगर हम रखते हैं तो इस के मानी यह होते हैं कि अगर लाफुल मीन्स (lawful means) से कोई हड़ताल की बात भी कहेगा तो वह पकड़ में आ जायगा। अगर कोई सत्याग्रह की

बात कहेगा तो वह भी पकड़ में आ जायगा। अगर वह यह कहेगा कि सरकार को हम नाज देने के लिए तैयार हैं लेकिन सरकार ने जो भाव ठहराये हैं वह भाव इस प्रकार के होने चाहियें, यह सब लाफुल क्रिटिसिज्म (Lawful criticism) है, लेकिन वह लाफुल क्रिटिसिज्म इंटरफरेंस माना जायगा। अगर इस विषय में कोई भाषण देगा और वह छपा जायगा तो भी यह माना जायगा कि यह इंटरफरेंस कर रहा है। आज बिनोबा भावे पैदल प्रवास करते हुए एक नई बोधना का प्रसार कर रहे हैं कि सरकार एक तरफ तो जमींदारी और जागीरदारी को खत्म कर रही है दूसरी ओर वह एक और योजना हमारे सामने रख रहे हैं। मैं कोई खास बिनोबा जी की ही बात नहीं कहता। इसी तरह से अगर कोई दूसरा आदमी कोई दूसरा सुझाव दे, कोई कम्युनिस्ट एक दूसरा सुझाव दे, एक समाजवादी एक दूसरा सुझाव दे, एक दूसरा आदमी अपने दिमाग में से एक दूसरी चीज निकाले, तो चाहे वह सब ज्ञानिक ढंग की भी बात होगी तो हम कहेंगे कि यह गवर्नमेंट के कायदे में इंटरफरेंस है और इसलिये इस चीज को जो छापेगा वह हमारी पकड़ में आ जायगा। इसलिये मैं राजाजी से प्रार्थना करूंगा कि वह इस सारी चीज को निकाल दें तो इस में उन को कुछ खोने की बात नहीं है। इस में वह तीन चीजें लाना चाहते हैं और मैं समझता हूँ कि सत्याग्रह वगैरह सब चीजें इस में आ जाती हैं। वे सिर्फ सप्लाई (supply) और डिस्ट्रीब्यूशन (distribution) की बात नहीं कर रहे हैं, वह तो इस में कमोडिटी (commodity) की बात भी कर रहे हैं और उस के साथ वह सर्विसेज (services) की बात भी

कर रहे हैं। सरबिसेज में तो बहुत चीजें आ जाती हैं। तो अगर वह इन चीजों को लाना चाहते हैं तो इसके मानी यह है कि वह सारी चीजों को अपने कब्जे में रखना चाहते हैं। तो अगर एक शब्द भी आपके विरुद्ध होगा तो आप यह मान लेंगे कि यह दखल देने की बात है और इसलिये हम समाचार पत्र का फोरफीट (forfeit) करे देते हैं। यह चीज इस में होगी। इसलिये मैं कहूंगा कि पहला और दूसरा हिस्सा जो आपने रखा है हिस्सा को उत्तेजन न देने का वहां तक तो ठीक था। अब जो तीसरा हिस्सा आप रख रहे हैं वह बहुत व्यापक हो जायगा और इस चीज को आप न लायें यह मेरी प्रार्थना है। यह उसूल के विरुद्ध जाने वाली चीज है और हम जनता का मामूली अधिकार छीन लेना चाहते हैं। यह बात इस में हो रही है। इसलिये मैं प्रार्थना करूंगा कि वह यह हिस्सा न रखे। इस से इस बिल की अच्छाई ज्यादा बनी रहेगी।

(English translation of the above speech)

Shri Bhatt: Sir, the hon. Minister of Home Affairs has by and by tried to tore down this sub-clause to a great extent.

The Minister of Education (Maulana Asad): Are you satisfied now or not?

Shri Bhatt: But I have a special request to make to him that the portion he is retaining is likely to cause much confusion and it would be better if he drops it altogether. What would the word 'interference' mean and what would it convey? Different people will interpret it differently. If we retain this sentence, it would mean that even if somebody talks of strike by lawful means, or to undertake *Satyagraha*, he will be under the grip of the law. If one says that he is prepared to sell foodgrains to the Government, but the rates fixed by the Government should be such and such, though this is all lawful criticism, it will be construed to be a form of interference.

If anybody makes a statement on this topic and if it is published, this will also be taken to be interference. Shri Vinoba Bhave has been propagating a new scheme in his tour on foot while on the other side the Government was going to abolish Zamindari and Jagirdari. I am not saying anything particular about Shri Vinobaji. Similarly, if another man gives some suggestions, a Communist or a Socialist gives a suggestion or some other person discovers an altogether new thing, it will be taken to be interference by the Government, even if it be a scientific discovery and the man publishing it shall come into the hold of this law. Therefore I would request Shri Rajaji to kindly drop the whole thing. In dropping this he will not lose anything substantial. He intends to include three things here and in my opinion all those things like *Satyagraha* etc. are included here. He is not only talking of supply and distribution, but also of commodity and services alongwith it. 'Services' include many things. So, if he intends to include all these things, that is if he wants to exercise a hold on all of them, a single word uttered in opposition to his policy shall be construed to be interference and would entitle the Government to confiscate the newspaper. Therefore I would suggest that it is alright upto the first and second portion regarding the incitement to violence and crime, but the third portion now being put will be so much comprehensive that I would request him not to include it. This is a question of going against our set principles, and in this we are going to deprive the people of their basic and fundamental right. Therefore I would request him not to retain this portion. This will make the provisions of the Bill much better.

Shri Shiva Rao: I think the hon. the Home Minister's suggestion to omit the words from "the administration of the law" to the word "regulating" is a definite improvement on the original sub-clause. Pandit Bhargava had suggested the substitution of the word "obstruct" for the words "interfere with". No doubt the word obstruct sounds stronger than "interfere with". But I think in significance the two amount to the same thing. It must be positive action. If the Home Minister is going to accept the word "obstruct" then I would suggest that before the word "services" the word "essential" should be inserted. Or, if he is going to retain "interfere with" then before the word "services" in the last line there should be inserted "with essential". Because as the sub-clause reads the word "services" is governed by the previous word "supply and distribution"

[Shri Shva Rao]

which I do not think make much sense. Therefore I would suggest either of these two, depending upon whether he accepts Pandit Thakur Das Bhargava's amendment.

I also agree with Mr. Goenka that the words "or other essential commodities" should be omitted and the word "essential" added before the word "services".

Shri Shiv Charan Lal: My amendment was that the latter portion be deleted. Instead of that the portion which I wanted to be kept has been deleted by the hon. the Home Minister. And the second part has been made worse. Originally the clause stood: "incite or encourage any person to interfere with the administration of the law or with the maintenance of public order, etc. regulating the supply and distribution of food or other essential commodities or services." By this amendment the hon. the Home Minister has made it "incite or encourage any person to interfere with the supply and distribution of food, etc." Formerly it was to interfere with the administration of laws regulating supply and distribution. Now it is interference with the supply and distribution of food.

Mr. Deputy-Speaker: Now it has been narrowed down. He has yielded to the suggestions made by others.

Shri Shiv Charan Lal: This portion as it remains is very risky. For instance, many of us here do not agree with the policy of Government so far as controls are concerned. They have sometimes to give in the papers also something against the bad supply of wheat. They ask shopkeepers not to accept the grain from the godowns if it is not of good quality.

3 P.M.

Shri Sidhva: Read the Explanation.

Shri Shiv Charan Lal: I have read it. Suppose they give in the papers that shopkeepers should be careful and if the godowns do not supply wheat or rice of quality which is eatable they should not accept it. Certainly that would come under this. I have got personal experience of this at Allahabad because I am connected with the co-operative societies there. Sometimes we refuse to accept from the godowns grain which is not of eatable quality. We also distribute leaflets to the effect that no shops under the co-operative societies should accept the grain from the godowns if it is of inferior quality or of quality which is not eatable. We do it by giving it in the papers and sometimes

by means of leaflets also. That will certainly come under this section, although it is an honest effort to improve the condition of the grain that is being supplied to the people. You know that there is a general complaint in all the towns where rationed grain is being distributed that the rationed grain is definitely of very inferior quality. Sometimes doctors have given their opinion that it is not eatable. Sometimes Government has to take back the grain from the shops if it has been declared as not eatable. To write anything against such grain will also come under this.

Shri Shiva Rao: Would not that objection be covered by the Explanation?

Shri Shiv Charan Lal: It will not be covered. It simply says that we have the right to criticize certain action of the Government. Suppose we give it in the papers that if the Government does not stop supplying us with grains of this bad quality the shopkeepers should not take it. Certainly it will come under this section. We have certainly a right to protest against the supply of bad food. From my own personal experience for the last three or four years in the co-operative societies I have had to deal with this. Sometimes the co-operative societies have to give notice to Government and also give in the papers asking the shops not to accept the bad grain. But such a thing will now come under this section. It will not be saved by the Explanation. My request therefore to the hon. Minister is that this portion also should be deleted.

Mr. Deputy-Speaker: The proceedings of the House will be interrupted—I must have started it two minutes earlier, exactly at 6 P.M. by the motion notice of which has been given by Seth Govind Das to raise discussion on points arising out of the answer given on the 12th September, 1951 to starred question No. 985 regarding I.A.S. and other Central Services Examinations.

Some Hon. Members: He is absent.

Mr. Deputy-Speaker: So it lapses now.

The House will proceed with the Bill.

Shri A. C. Gaha (West Bengal): There may be other signatories.

Mr. Deputy-Speaker: They have no right except to take part. The hon. Member who initiated the motion must be here.

Shri Rajagopalachari: The debate on this clause reduces itself to this.

Shri M. P. Mishra: On a point of information, I would like to know by what other parts of this clause is covered the provision for public order which is being deleted. I completely agree with Pandit Thakur Das Bhargava that in this sub-clause (iii) the maintenance of public order is more important than the administration of laws regulating the supply and distribution of food, etc. I would like to know from the hon. Minister what other sub-clauses it covers. He may say that it covers both 'violence' and other sub-clauses but in those sub-clauses there should be the intention to overthrow the Government. Suppose there is a communal riot which does not have the intention to overthrow the Government but there is disturbance of law and order all right, how does it cover that—any offence involving violence?

Shri Rajagopalachari: True. I would have liked to keep this clause in the form in which it stood originally but it has been attacked all round and when I am attacked all around I have to turn my back to some one or other; so the words 'public order' go. I want to preserve that which is essential from the point of view of this Bill. We want public order, no doubt. The question, however, is not whether we have to deal with the men who interfered with public order. We will deal with them under the ordinary law and other laws and there are orders which can be issued under the Criminal Procedure Code from time to time in respect of that. But we are now dealing with the news or matter appearing in newspapers to incite or encourage people to do such action. In that connection we have dealt with people who write things or publish things for the purpose of encouraging offences involving violence. Although it should be a good thing to indicate that we dislike such things, here we have to deal with newspapers. Would they publish matters encouraging the people to interfere with the maintenance of public order? I do not think it is necessary to persist in that. The very same members who care for law and order now had suggested that this phrase should be omitted in another context. At the last moment, I do not wish to withdraw what I said I would delete. I will then go to the main point discussed by Members here. I cannot agree to dropping the words "supply and distribution of food or other essential commodities or essential services or any one of them" for this reason. I want to say again that hon.

Members should remember that we are not dealing with the individuals who interfere but we are dealing with things appearing in the Press encouraging people to interfere. Now from that point of view, if the position is examined, it will be seen that the fears expressed by hon. Members as to comments and criticisms being brought under the terms of the law are not well based in view of the explanation which makes it perfectly clear as Mr. Shiva Rao has tried to point out in the course of the debate. The explanation makes that totally clear beyond all doubt. No State Government can escape that explanation. I need not be in office and I need not be there to explain all that. What I said I reiterate. The words are here in the law itself:

"Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, etc."

When this explanation is there, I do not think any court will be satisfied that the Government have any case if they come forward with mere criticism as their objection.

Then coming to interference the ordinary meaning of the word 'interference' plus this explanation leaves no doubt whatsoever as to what it is. It is direct interference with the actual supply and distribution.

Pandit Thakur Das Bhargava: May I suggest the use of the word 'disturb' instead of the word 'interfere'?

Shri Rajagopalachari: I am coming to that. Definite suggestions of alternative words will have to be carefully examined by my advisers and by the draftsman. 'Disturb' is just now suggested. The word 'obstruct' had been suggested. The word 'interfere' has been put down after deliberation. Now, let us see the relative meaning of these words: incite or encourage any person to disturb the supply and distribution of food does not carry the proper meaning at all. Disturb the administration of law may have been all right. Then, disturb the supply and distribution of food is not good enough. Hon. Members are sometimes making a mistake against themselves. The word has to be considered in the context. Disturb would mean anything. Even the slightest disturbance would be disturbance; surely, it would not be interference.

Pandit Thakur Das Bhargava: Even the slightest interference would be interference.

Shri Rajagopalachari: The hon. Member who proposed 'disturb' said something about 'endangering'. 'Endangering' looks all right. When you say, "any person endangers", it may cover—much more than what is intended to cover. Then, the word 'obstruct'. This is a word which I would have agreed to if it was a question of obstructing a person or obstructing something done. But, when we are dealing with supply and distribution, 'obstruct' is not the right word. Interference is the right word. I do not think there is any danger underlying the word 'interference', especially after the explanation has made it perfectly clear. I want the hon. Members to accept the language as it stands. After all, it is a mere question of draftsmanship. The substance has been explained in the Explanation.

Then, coming to the substantive question whether cloth should be introduced and all other essential commodities omitted, here, I would ask hon. Members again to remember the point at issue. We are not dealing with those who interfere. We are dealing with matter, appearing in the Press, which are not just comments, but are encouragement to interference. Either we accept controls in respect of any commodity or we do not accept. The arguments on that point may differ very much; we may debate and decide. But, once Government and Parliament have accepted the supply and distribution being regulated, with respect to any commodity, which is considered important enough for that purpose, then, the question is whether we should allow the Press to encourage or incite—any newspaper or leaflet or whatever it may be—interference with that decision which Parliament, has reached. Having decided upon regulation with reference to any commodity, we must assume it is important. We may now say that food is important. In that background, the importance of cloth may be less; the importance of cement may disappear; the importance of medicines and drugs may disappear. Surely, if Parliament considers the importance of an article and has taken over control of any article as an important part of the administration, then, we must protect that decision all round. We must not allow any encouragement of interference with such a thing. We allow criticism; we allow disapprobation. But, we cannot allow interference. That, I think, is the least that the decisions of Parliament and Government deserve in regard to the support which they want from the Press and from all Members of the Press. That is the justification I give

for introducing other essential commodities. The word 'essential' has a technical sense. It is that which is approved by Parliament as essential. Therefore the words 'essential commodities' should be there. Cloth is included in essential commodities so long as its supply and distribution are controlled. Food is also included. The reason why it is mentioned here separately though you have 'essential commodities' is for the purpose of giving the policy which is behind this clause to the general public so that they may understand the importance of this provision. Therefore food is there. Otherwise, you should have to put distribution of food, cloth or other essential commodities. I do not think we can put in one commodity above any other commodity except in regard to food. The rest may be read together.

I quite agree that the syntax is bad. Both Mr. Shiva Rao and Rama Rao have drawn my attention to it. The words "or with essential services" must be there and not "or services". The words "with essential" may be inserted between the word 'or' and the word 'services'.

I think I have answered Mr. Bhattachari's suggestion that cloth may be included, because 'essential' commodities include cloth as well.

Shri Naziruddin Ahmad: May I suggest a grammatical point? Even if we accept cloth, the expression 'supply and distribution' fits in only with 'other essential commodities' but not with services. We do not distribute services. It should be maintenance of services.

Shri Rajagopalachari: I will read the syntax: It would read: "incite or encourage any person to interfere with essential services". That is how it reads.

श्री भट्ट : गृह मंत्री जी से मैं एक सुलसा चाहता हूँ ।

[Shri Bhatt: I solicit a clarification from the Home Minister.]

Mr. Deputy-Speaker: The hon. Member has had an opportunity.

श्री भट्ट : बोलने के हेतु पढ़ने में इस का सुलसा लेना चाहता था ।

[Shri Bhatt: I liked to have the clarification before the motion was put to vote.]

Mr. Deputy-Speaker: The hon. Member had an opportunity to say all he had to say and if once again he goes on by way of asking questions or explanations or elucidations, it will go on endlessly.

श्री भट्ट : मुझे आप अगर इजाजत दें, तो मैं एक खुलासा चाहता हूँ कि माननीय गृह मन्त्री ने interference and disapprobation of policy में क्या फर्क है, वह उन्होंने नहीं बतलाया ?

[**Shri Bhatt:** If you would allow me, I solicit a clarification from hon. the Home Minister regarding the difference between interference and 'disapprobation of policy' which he has not elucidated.]

Shri Rajagopalachari: It means it is not interference to comment or express disapprobation of the law. It is different from criticism of the policy. The whole policy may be criticised. The particular law passed by Parliament may be criticised. If we supply something to Madras or to Madhya Bharat, that may be also criticised. All that can be criticised.

Shri Goenka: And what is it that cannot be criticised?

Shri Rajagopalachari: Everything can be criticised.

Shri Goenka: If once Parliament lays down a policy to accept a particular control, then it has to be supported. If I do not support it, does it come within the mischief of the law? What exactly does "interference" mean? That is what we want to know, for it is a serious matter so far as the press is concerned, because...

Shri Rajagopalachari: I will explain it by an illustration. Suppose a law is bad and it is passed. You can say that it is bad. But you cannot, when an officer goes to procure food to a certain place, according to the law,—you cannot tell the farmers not to give him any grain. That would be incitement to interference, though incidentally you also criticise the law.

An Hon. Member: What about essential commodities?

Shri Rajagopalachari: For instance if people write—they have not done so yet—but if they write that for such and such reasons no mill should give any accounts to the Textile Commissioner, that would be incitement to interference.

Shri Goenka: That is indeed far-fetched and that is not likely to happen.

Shri Rajagopalachari: That is as far-fetched as saying that no man should encourage murder. No paper will write that. That is not likely to come into operation, certainly not in the ordinary big papers. But leaflets may be issued.

Shri Goenka: But then, the interpretation of the word "interference" may be so wide as to penalise even an honest man who may differ from a certain action. No mill will be stupid enough to listen to a man who asks to go against the law and take the consequences.

Mr. Deputy-Speaker: There has been sufficient discussion and I will put the hon. Home Minister's amendment to the vote of the House first. If that is passed, some other amendments will be barred and the rest will then be put to the House.

Shri Naziruddin Ahmad: Sir, I have the amendment to reject the whole sub-clause.

Mr. Deputy-Speaker: That will be put finally. The question is:

In part (iii) of clause 3 omit the following words:

"the administration of the law or with the maintenance of public order or with the administration of laws regulating"

The motion was adopted.

Mr. Deputy-Speaker: Now, that part of the amendment to part (iii) is carried. Now the other amendment remains. I shall put it to the House. The question is:

In part (iii) of clause 3, before the word "services" the words "with essential" be inserted.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In part (iii) of clause 3, omit the words "or encourage".

The motion was negatived.

Mr. Deputy-Speaker: I will now put to the House amendment No. 118 in the name of Pandit Bhargava.

Mr. Shiva Rao: On a point of order, since the Home Minister's amendment has been carried this amendment is barred.

Mr. Deputy-Speaker: Only a portion has been deleted by the amendment of the Home Minister. For whatever remains this will be substituted. The amendment therefore is in order. The question is:

In part (iii) of clause 3, for all the words beginning with the word "with the maintenance of public order" to the end, substitute the following:

"any person who disturbs public order; or"

The motion was negatived.

Mr. Deputy-Speaker: I will now put Mr. Goenka's amendment No. 206 which is the same as No. 9.

In part (iii) of clause 3, omit the words "or with the administration of laws regulating the supply and distribution of food or other essential commodities or services".

The motion was negatived.

Mr. Deputy-Speaker: This bars amendment No. 9. Pandit Kunzru's amendment No. 36 has been covered by the amendment of the hon. Minister. Mr. Naziruddin Ahmad can vote against this motion if he wants to press his amendment No. 34.

The question is:

"Omit part (iii) of clause 3."

The motion was negatived.

Pandit Thakur Das Bhargava: I would like to move No. 119.

Shri Naziruddin Ahmad: I would move my amendment No. 38.

Mr. Deputy-Speaker: As the words "tend to" have already been omitted, this does not arise. The next amendment by Pandit Kunzru is also barred. Then Pandit Thakur Das Bhargava's amendment, No. 119. Is it also not barred?

Pandit Thakur Das Bhargava: No, Sir. The words "tend to" go away and the rest of the amendment remains.

Shri Rajagopalachari: I think he had in his mind the actual offence itself, but since we have deleted the words "tend to" I think this is not necessary.

Pandit Thakur Das Bhargava: But these words are very important and they should be included.

Mr. Deputy-Speaker: We have already accepted the amendment moved by the Home Minister, the first portion of which introduces the addition of the words "are likely to". Therefore, that is the essential principle governing the whole thing. If "seduces" is the word used, it will not fit in with "likely to".

Pandit Thakur Das Bhargava: It should be "likely to seduce" and not "seduces". The letter "s" should not be there.

Shri Rajagopalachari: Even if Mr. Bhargava now tries to amend it and we accept it, if we have it as "likely to seduce" it would read all right, but if you add "likely to" to "attempt to seduce" it would read "likely to attempt to seduce".

Pandit Thakur Das Bhargava: It should be "likely to seduce".

Mr. Deputy-Speaker: The hon. Member drafted and tabled the amendment when the words "likely to" were not before the House or, at any rate, not passed. It is consistent with the hon. Member's suggestion that "attempt to incite" ought not to be an offence and that therefore "incitement to seduce" must be there. An attempt now to change the words in the original amendment to suit the present context, far from restricting its scope enlarges the scope.

Pandit Thakur Das Bhargava: My purpose is to enlarge the scope. So far as the security of the State and so far as the Army, Navy and the Air Force are concerned, I am anxious that they should all be protected.

Shri Rajagopalachari: I understood that Mr. Bhargava wants to enlarge it, but it will not suit at all.

Pandit Thakur Das Bhargava: I know, because this amendment was given at a time when the words "tend to" were there, it is so, but today the House having taken that decision to delete those words I should be allowed to amend the amendment.

Mr. Deputy-Speaker: I only wanted to know whether the intention of the hon. Member is to enlarge the scope.

Pandit Thakur Das Bhargava: Certainly, Sir.

Mr. Deputy-Speaker: Therefore the amendment of Pandit Bhargava (No. 119) will now read thus:

In part (iv) of clause 3, for the words "tend to seduce" substitute the words "seduce, abet or attempt to seduce".

Pandit Thakur Das Bhargava: The hon. Member may be lax, but I am not lax; so far as I am concerned I am very anxious that this amendment should be accepted. The words of section 131 of the Indian Penal Code clearly indicate that even under the present law not only seduction but even abetment and attempt to seduce are offences. I beg to move:

In part (iv) of clause 3, for the words "tend to seduce" substitute the words "seduce, abet or attempt to seduce".

Mr. Deputy-Speaker: Amendment moved:

In part (iv) of clause 3, for the words "tend to seduce" substitute the words "seduce, abet or attempt to seduce".

Mr. Deputy-Speaker: The only amendments on this sub-clause are Nos. 38 and 167 and those by Pandit Bhargava. I shall put them to the House.

Shri Goenka: Shall we rise now? We have engagements.

The Minister of State for Information and Broadcasting (Shri R. E. Diwakar): Let us finish this at least.

Pandit Thakur Das Bhargava: If you will allow me to speak, I will speak. Otherwise, if you do not allow me, you may put them to the House.

Mr. Deputy-Speaker: I am not shutting him out.

Pandit Thakur Das Bhargava: This is one of the most important amendments, as it relates to the Army and Navy and we must be very circumspect.

Pandit Kunzru: It is already past 6-30.

Mr. Deputy-Speaker: What is the opinion of hon. Members? We originally thought that at least this clause 3 may be completed today.

Shri Rajagopalachari: Even if Pandit Bhargava speaks, we can sit and finish this clause.

Mr. Deputy-Speaker: There are other sub-clauses also. If hon. Members want a short recess for fifteen minutes, they can go out and come back. I have no objection.

Some Hon. Members: No, no.

Shri Rajagopalachari: Let us sit until clause 3 is disposed of.

Some Hon. Members: No, Sir.

Some Hon. Members: Yes, Sir.

Shri Rajagopalachari: The Sunday sitting which has been threatened can be obviated if we work quickly today. We shall then have a better case for not sitting on Sunday.

Pandit Kunzru: We cannot go on like this.

Shri Naziruddin Ahmad: It is very easy for Members who have not taken part in the debate or amendment to sit. They have refreshed themselves with meals and other things, but as to ourselves, we have gone without any food.

Mr. Deputy-Speaker: Can that not be said of the Home Minister?

Shri Naziruddin Ahmad: He has a reserve power and physical control of his own which cannot be equalled by any one of us. We have to work hard like coolies.

Mr. Deputy-Speaker: Let me put the amendments. Let us finish sub-clause (iv).

Pandit Thakur Das Bhargava: I am prepared to sit till not only this sub-clause but the whole thing is passed.

Shri Naziruddin Ahmad: Let us have a night sitting. We do not mind working, but we should have some replenishment as our coal and steam have been exhausted. Let us have a sitting after dinner.

Mr. Deputy-Speaker: I think we might finish this sub-clause. Yes, Pandit Bhargava may make his speech.

Pandit Thakur Das Bhargava: I was quoting section 131, which is the relevant section, which reads—

"whoever abets the committing of mutiny by an officer, soldier, sailor or airman in the Army, Navy or Air Force of the Government of India or attempts to seduce.....shall be punished with transportation....."

I have just now read out section 131 which deals with the question of abetment, or attempt at seduction and tampering with the allegiance of a soldier or sailor. Now, if the words incite or encourage were anywhere proper they are in this context. This is the proper and fitting place where we should use them. So far as the security of the State and public order is concerned, it is of vital importance to us and any attempt to interfere with it in any way should be made punishable. I would, therefore, request the hon. the Home Minister to include it so that any instigation, incitement

[Pandit Thakur Das Bhargava]

or encouragement may come within the definition of objectionable matter.

[SHRIMATI DURGABAI in the Chair]

Shri Naziruddin Ahmad: I submit that this clause is extremely sweeping. The general laws of the country are quite enough. There are provisions in the Army Act to act as a deterrent.

Let us now consider this sub-clause. There may be difficulties as to the conditions of service and recruitment conditions. It may be that a newspaper may think it necessary or its duty to consider them and to criticise them. It may say that the conditions of services in the army are not satisfactory and that the recruitment conditions are not satisfactory and that there is injustice and favouritism. These may be based on facts. The newspaper may write articles quite out of patriotic motives and for the purpose of removing these grievances. But the clause is so sweeping that the heavy hand of the 'competent officer' will fall upon the paper, the press will be forfeited and all other similar actions taken. We have got to consider not only the use but rather the possible abuse of the law. Otherwise there would be injustice in many cases.

Shri Rajagopalachari: There are two points to consider. One is what was spoken about last by Mr. Naziruddin Ahmad. He says that the sub-clause is sweeping and therefore should be omitted. That, I take it, is the substance of Mr. Naziruddin Ahmad's appeal and his argument is that it would be wrong to have such a provision. We have expressly excluded comments and criticism in this as in other cases. What is covered here is only seduction—anything that is likely to seduce or bring about seduction of the armed forces. Only that is covered. Therefore there is nothing sweeping about it and the argument has no foundation.

The other argument is that it is not sweeping enough. Pandit Thakur Das Bhargava has come to the assistance of Government. Though he did oppose so strenuously clauses (i) and (ii) he says in regard to clause (iv) he would go the whole hog and include...

Pandit Thakur Das Bhargava: I supported "public order" also.

Shri Rajagopalachari: He says that just as he did in the case of "public order" in the same manner he would like to strengthen the hands of Government and ensure the loyalty of the services and the security of the State

in that respect by adding attempt and abetment. I do not object to it at all. But I wish to point out to him that what he really has in mind when he suggests the insertion of the words "abetment or attempt" is covered by the present phraseology. As it is now amended it would read thus:

"any words...etc. which are likely to seduce any member..."

If the word "tend to" had been there it would have completely covered it. Now the phrase is "which are likely to". But it is quite enough to comprehend abetment. It is quite enough to comprehend attempt.

But I want to point out to him on the positive side that it would be absurd phraseology, if I may be permitted to use that expression. It cannot stand as suggested. I will read it as it would be if Pandit Bhargava's amendment were accepted:

"any words...etc. which are likely to seduce, abet or attempt to seduce any member of the armed forces..."

Pandit Thakur Das Bhargava: May I be permitted to say that you have been pleased to put the words "which are likely to" only today?

Shri Rajagopalachari: I am not commenting on the propriety of the framing of the amendment originally. I do not for one moment say that it was wrong on Pandit Bhargava's part to propose this amendment. It was perfectly in order as it originally stood. But now that the House has accepted the words "which are likely to" we have to consider the position in the light of that. Even making the verb "abets" into "abet" and "attempts" into "attempt", even then it will not suit. It would read: "any words..... etc. which are likely to seduce, abet or attempt..." which will not be suitable.

Pandit Thakur Das Bhargava: "incite or encourage the seduction of" may be substituted.

Shri Rajagopalachari: It is hardly necessary. I submit. I think the word "seduction" covers all forms of seduction. Therefore, I submit, that I am unable to accept this, nor am I immediately able to propose a change of the entire structure in order to bring in "abetment" and "attempt".

Mr. Chairman: The question is:

In part (iv) of clause 3, for the words "tend to seduce" substitute the

words "seduce, abet, or attempt to seduce".

The motion was negatived.

Mr. Chairman: I would like to tell hon. Members that I would put sub-clauses (v), (vi), (vii) and (viii) and any hon. Member who wants to move his amendment can just point it out and then that amendment will be taken as moved.

Shri Goenka: It was agreed to by the Deputy-Speaker that we will rise immediately after this sub-clause (iv) is over. We have some engagements; otherwise, we will sit till twelve o'clock.

The Prime Minister (Shri Jawaharlal Nehru): It was agreed to sit till midnight, if necessary. We propose to sit on. That is the position so far as the Government is concerned.

Mr. Chairman: I may submit that I am not departing from what the Deputy-Speaker told the House. Those hon. Members who wish to move the amendments may just mention the number of the amendment and they will be taken as moved and those who want to speak can speak on the amendments.

Shri Rajagopalachari: Before any other Member rises, I beg to move:

"Omit sub-clause (v)."

Mr. Chairman: The hon. Minister has moved for the deletion of sub-clause (v).

Shri Naziruddin Ahmad: I have a right to move it.

Mr. Chairman: If the hon. Member's intention is that sub-clause (v) should be dropped, the purpose is served.

Shri Naziruddin Ahmad: Who has the prior right?

Shri Rajagopalachari: I have no objection. I accept Mr. Naziruddin Ahmad's amendment that sub-clause (v) be omitted.

Shri Naziruddin Ahmad: I am satisfied.

Amendment made:

"Omit sub-clause (v)."

—[Shri Naziruddin Ahmad]

Then we come to sub-clauses (vi), (vii) and (viii).

Shri Bharati: I beg to move:

In part (vi) of clause 3, for the words "different classes of persons in India" substitute the words "different sections of people of India".

Shri Rajagopalachari: I accept that amendment.

Pandit Thakur Das Bhargava: I beg to move:

In part (vi) of clause 3, for the word "tend" substitute the words "promotes or attempts".

Shri R. Velayudhan: I beg to move:

Omit part (vii) of clause 3.

Shri Naziruddin Ahmad: I beg to move:

Omit part (vi) of clause 3.

Omit part (vii) of clause 3.

Omit part (viii) of clause 3.

Shri Sidhva (Madhya Pradesh): It is a negative amendment.

Shri Naziruddin Ahmad: It is negation of a sub-clause: not the whole clause.

Shri Sidhva: Now, we are dealing with sub-clauses.

Shri Naziruddin Ahmad: The rule relates to clauses and not sub-clauses.

Pandit Kunzru: I beg to move:

For part (vi) of clause 3, substitute the following:

"(vi) are calculated to incite or encourage the commission of offences involving violence by promoting feelings of enmity or hatred between different classes of persons in India;"

Omit part (vii) of clause 3.

Omit part (viii) of clause 3.

Shri Shiv Charan Lal: I beg to move:

Omit part (viii) of clause 3.

Shri M. P. Mishra: I beg to move:

In part (vi) of clause 3, for the word "classes" substitute the word "communities".

Shri Naziruddin Ahmad: I beg to move:

In part (vii) of clause 3, omit the following:

"or to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do".

Mr. Chairman: You wanted the deletion of the sub-clause.

Shri Naziruddin Ahmad: And also alternatively, deletion of these lines.

Shri Bhatt: I beg to move:

For part (viii) of clause 3, substitute the following:

"(viii) which are scurrilous, obscene or grossly indecent".

Shri Haque (West Bengal): I beg to move:

In part (vi) of clause 3,—

(i) omit the words "tend to", and

(ii) for the words "different classes" substitute the words "different communities".

Shri M. P. Mishra: I beg to move:

Omit part (vii) of clause 3.

Omit part (viii) of clause 3.

Mr. Chairman: Will the hon. Minister kindly say whether he is accepting any of these amendments?

Shri Rajagopalachari: Madam, you are taking parts (vi), (vii) and (viii) together.

The Minister of Works, Production and Supply (Shri Gadgil): I have an amendment to part (viii) of clause 3. It is No. 317.

In part (viii) of clause 3, add the following at the end:

"or intended for blackmail".

Shri Rajagopalachari: I am accepting this amendment.

Mr. Chairman: Whose amendment is that?

Shri Gadgil: It is my amendment.

Shri Rajagopalachari: I might mention my reactions to these amendments. I accept the suggestion that the words "different sections of the people of India" be substituted in the place of the words "different classes of persons in India", as it would meet a number of criticisms and observations that have been made in respect of the word 'classes'. Then, I would accept the amendment for the addition of the words "or intended for blackmail" at the end of part (viii), for this reason. In that case, I drop part (vii) altogether, because part (vii) is intended only to meet such cases. If these words are added at the end of part (vii), I am prepared to drop part (vii). So, the position stands thus: Part (vi) would be: to promote feelings of enmity or hatred between different sections of the people of India; part (viii) which are grossly indecent or are scurrilous or obscene or intended

for blackmail. The words 'or are' are necessary to be there for this reason. The word 'grossly' cannot go with "intended for blackmail".

Mr. Chairman: It is to be added at the end of part (viii).

Shri Rajagopalachari: It is this way: "tend to" is cut out in sub-clause (vi).

Shri Rajagopalachari: I do not think there is any difficulty; but I shall, if necessary, read out the clause as it will stand now:

(vi) promote feelings of enmity or hatred between different sections of the people of India; or

(viii) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

Mr. Chairman: Those who want to speak on this may do so.

Pandit Thakur Das Bhargava: In my amendment No. 122, since the House has accepted the words "likely to", I want to make a small change. The word "tend" has already been removed and now I want the substitution of the words "to promote or attempts to promote". I want this to be done because the law is much wider than the promotion of the thing. The words in 153 are "promotes or attempts to promote". And with the words "likely to" it does not read well now.

Shri Rajagopalachari: That means that as in the case of seduction, the hon. Member wants these words to be inserted. Well, when we deal with an individual we may distinguish between promotion, attempt at promotion and so on. But when we deal with the words which are likely to result in these things, I think the word "promote" would be sufficient. That would cover what the hon. Member wants.

Shri Naziruddin Ahmad: Since part (vii) is agreed to be omitted, I think my amendment No. 47 is accepted and so I do not wish to say anything now.

7 P.M.

Shri M. P. Mishra: I would suggest that for the word "classes" the word "communities" may be substituted.

Shri Naziruddin Ahmad: Classes are wider.

Shri M. P. Mishra: As a matter of fact the need of the hour is to suppress communal hatred or communalism. From that point of view different "sections" do not mean anything. Even a gang of robbers or decoits form a section of the people, even so is the

case with anti-social elements. In view of the avowed aim of the Government it should be different communities and not sections.

Pandit Kunzru: When the debate took place in September last I pointed out that the language of part (vi) of clause 3 was a little too wide. I pointed out that the question of writings the object of which was to create illwill and hatred between different classes is regarded as part of the law of sedition in England. The practice there is to punish only writings which lead to any serious danger. Otherwise these writings are not taken account of. I then expressed the hope that this question will be dealt with in the same way in India.

I further drew the attention of the House to the language of section 505 of the Cr. P. C., in accordance with which there must be intention to commit an offence before action can be taken. On these grounds I said that this clause should be amended in the manner indicated by me. Newspapers may write from time to time and they may not promote better relations between communities. But I submit that the State should intervene only when very harmful consequences are likely to ensue. No wise Government will try to deal with petty cases of arson. In the same way if writings do not promote illwill or even draw the attention of the people to certain defects in certain class of persons they need not be regarded as a ground for proceeding against any newspaper or press unless the consequences are likely to be serious. In our own country the prosecutions under section 153A have been very few. There is no reason, therefore, to suppose that action will have to be taken in a large number of cases against newspapers for publishing matter falling under part (vi) of clause 3. This being so, it is desirable to gain public sympathy, to gain public support by making it clear that when we oppose the creation of illwill and hatred between different communities, it is because we do not want that the peace of the country should be disturbed, or that serious offences should be committed against any community which, if committed, are bound to disturb the peace of the country.

Now, if this is done, I do not think that anything will be lost. On the contrary, people will realise that they cannot come into prominence merely by doing something that may lead Government to take action against them. At present in some cases people try to earn notoriety by going to jail

and in the present circumstances it is quite possible that some papers may act against the terms of part (vi) of clause 3 as it is now worded. Is it desirable that these cheap weeklies or news-sheets should be allowed to earn popularity with any section of the people in this manner? I submit that this is highly undesirable and that the State should make it clear that it will intervene only when a serious situation is likely to be created by the writings published in any paper or by any press. For these reasons, I press my amendment.

I should like to say before I sit down a word about the substitution of "sections of people" for the words "classes of persons". I think that the amendment will make the scope of the part we are discussing wider and I do not think that such an amendment should be accepted. We understand, broadly speaking, what is meant by classes and communities, but the word "section" is very, very vague indeed and anything written in a newspaper can be supposed to be against the interest of a "section of the people". These words are far more vague than the words "classes of persons". I prefer, therefore, that the more familiar and more definite words should not be given up in favour of words that have no definite meaning and will therefore unnecessarily broaden the scope of part (vi) of clause 3.

Mr. Chairman: There are all these amendments which have been moved before the House. Pandit Bhargava can speak on all these amendments.

Pandit Thakur Das Bhargava: I only want to make one or two observations in regard to what has fallen from Pandit Kunzru. He is of the opinion that the word 'classes' should be retained. I am of the same opinion, because many cases have gone to the High Court in which the word 'classes' has been defined. If you use the new word 'sections' you do not know what the meaning would be. When there is a word whose meaning has been defined, it is better to keep that word. But this is a minor matter.

A proposal has been made that the law of this country may be assimilated into the law of England and America in this respect. It is quite right, as pointed out by Pandit Kunzru, that in America and England unless there is a present danger of disturbance of public peace or public order no action is taken in respect of matters which create or try to promote feelings of enmity or hatred. I submit with all respect and deference to Pandit Kunzru that as a matter of fact, I beg to

[Pandit Thakur Das Bhargava]

differ from him. It is quite true that in those countries some overt act is required to set the law in motion against persons who behave in this manner. In this country where there are so many communities and classes I should think that we are ten years ahead of the time when we can amend the law in this respect. Even today, in relation to section 505 the words are:

"whoever makes, publishes or circulates any statement, rumour or report which contains matter... which is likely to incite any class or community of persons to commit any offence against any other class or community."

My humble opinion is that we should nip the evil in the bud. If there is the promotion of feeling of enmity in the newspaper, the law on this point should be strengthened and any attempt at incitement or encouragement should be tabooed. Therefore, I am of the opinion that we should not accept the amendment, though I could see that the law is quite different in America and England. But we have to look to our own conditions and we should not change the law in this respect.

Mr. Chairman: What I would suggest is that the hon. Minister has got an amendment which covers all the amendments. Therefore, if that amendment is moved, then the other amendments need not be put. Either they are withdrawn or they are voted down. Therefore, I would suggest to him to move that amendment.

Shri Rajagopalachari: I wish to explain in answer to what Pandit Kunzru said with reference to section 505 that the way of dealing with objectionable matters appearing in the newspapers and the way section 505 deals with individuals making, publishing or circulating statements, rumours and the like are somewhat different. There, no doubt the law is in the manner as read by him, but here the question is that when we are dealing not with a man who promotes feelings of hatred but with matter which on a mass scale produces that feeling in the minds of people, we should go a little further than what action Pandit Kunzru has proposed. I agree with Pandit Bhargava that we should go to the root of the matter and prevent mass excitement and hatred and enmity. The way I have suggested is the only way of preventing crimes. If we cannot prevent anything but incitement to crimes and if we allow mass incitement of enmity and hatred, it will lead to general crime. Therefore, I support the amendment as I put it to the House.

Shri M. P. Mishra: On a point of clarification, Madam. The new amendment proposed by the hon. the Home Minister to sub-clause (viii) suggests the addition of the word blackmail. I do not know if this word "blackmail" is defined in the Indian law. I would like that word to be defined and its meaning clarified. Otherwise it is liable to be confused. I have consulted some of my colleagues who are in the profession of law and they say that they do not know whether this word "blackmail" is defined in Indian law.

Shri Rajagopalachari: The word "blackmail" is not used in Indian law, nor the word "blackmarketees". I agree. But it is well understood what blackmail is and what blackmarketees are...

Mr. Chairman: The hon. the Home Minister may now move the amendments to the sub-clauses.

Shri Rajagopalachari: I beg to move:

In part (vi) of clause 3 for the words "classes of persons in" substitute the words "sections of the people of".

Omit part (vii) of clause 3.

In part (viii) of clause 3, as amended—

(a) before the words "are grossly" insert the words "or which"; and

(b) at the end of this part add the words "intended for blackmail".

श्री भट्ट : क्लॉज तीन के पार्ट आठ में

यह जो बदलाव सुझाया गया है कि :

"which are scurrilous, obscene or grossly indecent or intended for blackmail."

इस में आर शब्द दो जगह पर आता है, तो क्या आर शब्द द्वारा नहीं लिखा जायगा ?

[Shri Bhatt: In part (viii) of clause 3, the changed wording is:

"which are scurrilous, obscene or grossly indecent or intended for blackmail."

Here the word 'or' appears at two places. If it is repeated would it not sound better?]

Mr. Chairman: In view of this consolidated amendment, do hon. Members wish to press their amendments?

Shri M. P. Mishra: I would like my amendment No. 214 to be put to the House.

Mr. Chairman: The question is:

In part (vi) of clause 3, for the word "classes"; substitute the word "communities".

The motion was negated.

Mr. Chairman: The question is:

In part (vi) of clause 3, for the words "classes of persons in" substitute the words "sections of the people of".

Omit part (vii) of clause 3.

In part (viii) of clause 3, as amended—

(a) before the words "are grossly" insert the words "or which"; and

(b) at the end of this part add the words "or intended for blackmail".

The motions were adopted.

Pandit Kunzru: What about my amendment to part (vi)—No. 45?

Mr. Chairman: I thought he was not pressing it.

Pandit Kunzru: I have not withdrawn my amendment.

Mr. Chairman: The question is:

For part (vi) of clause 3, substitute the following:

"(vi) are calculated to incite or encourage the commission of offences involving violence by promoting feelings of enmity or hatred between different classes of persons in India;"

The motion was negated.

Shri Rajagopalachari: Before you put clause 3 as a whole the Explanation has to be put.

Mr. Chairman: I will put the Explanation first. It is the printed Explanation.

Shri M. P. Mishra: Since the word "classes" has been substituted by the word "sections" in other places, how will the word "classes" remain here?

Mr. Chairman: The hon. Member has raised the point that the word "classes" has been substituted by "sections" and as such how "classes" can remain here.

Shri Rajagopalachari: The same word must be introduced here. It should be changed into "different sections of the people of India". I submit that this change may be made while putting it.

Amendment made:

In the Explanation to clause 3, for "classes of persons in" substitute the words "sections of the people of".

—[*Shri Rajagopalachari*]

Mr. Chairman: I shall put the Explanation as amended.

The question is:

For the printed Explanation to clause 3 substitute the following:

"*Explanation.*—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different sections of the people of India, shall not be deemed to be objectionable matter within the meaning of this section."

The motion was adopted.

Pandit Thakur Das Bhargava: Now that we accepted the amendment with the words 'tend to', the words occurring in the explanation, namely 'have a tendency to produce' should also be replaced by the words 'which are likely to produce'; since you have been pleased to put in the word 'likely' there and the word 'tendency' is taken away, the words should be 'likely to produce'.

Shri Rajagopalachari: Here it is not necessary, to copy the same language. The words in the explanation are: "and words pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, etc." We need not copy the same language here.

Pandit Thakur Das Bhargava: The word 'likely' is tantamount to emphasised tendency.

Shri Rajagopalachari: I think the words as they stand are quite simple. I beg to move:

To clause 3, add the following new explanation:

"*Explanation* 3.—Sabotage means the doing of damage to plant or stocks, or to bridges, roads, and the like with intent to destroy or injuriously to affect the utility of any plant or service or means of communication."

Mr. Chairman: The question is:

To clause 3 add the following new
Explanation:

Explanation 3.—Sabotage means the doing of damage to plant or stocks, or to bridges, roads, and the like with intent to destroy or injuriously to affect the utility of any plant or service or means of communication."

The motion was adopted.

Mr. Chairman: The question is:

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

The motion was adopted.

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

The House then adjourned till Nine of the Clock on Friday, the 5th October, 1951.
