

Bill

Patil, Shri S. D.  
 Raghu Ramaiah, Shri  
 Raj Deo Singh, Shri  
 Rajani Gandha, Kumari  
 Rajasekharan, Shri  
 Ram Dhani Das, Shri  
 Ram Swarup, Shri  
 Randhir Singh, Shri  
 Rao, Dr. V. K. R. V.  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri  
 Saigal, Shri A. S.  
 Sambasivam, Shri  
 Sanji Rupji, Shri  
 Sen, Shri Dwaipayana  
 Sen, Shri P. G.  
 Sethi, P. C.  
 Sambhu Nath, Shri  
 Sharma, Shri M. R.  
 Shastri, Shri Ramanand  
 Sheo Narain, Shri  
 Shiv Chandika Prasad, Shri  
 Shukla, Shri Vidya Charan  
 Snatak, Shri Nar Deo  
 Solanki, Shri S. M.  
 Sonavane, Shri  
 Supakar, Shri Sradhakar  
 Sursingh, Shri  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Tula Ram, Shri  
 Ukey, Shri M. G.  
 Veerappa, Shri Ramchandra  
 Virbhadra Singh, Shri  
 Vyas, Shri Ramesh Chandra  
 Yadab, Shri N. P.

MR. DEPUTY-SPEAKER : The result\* of the division is Ayes 32, Noes 103. The motion is not carried by majority of the total membership of the House and by a majority of not less than two third of the members present and voting.

*The motion was negatived*

17.11 hrs.

### INDIAN PENAL CODE (AMENDMENT) BILL

(Amendment of sections 292, 293 etc.)

SHRI TENNETI VISHWANATHAM  
 (Visakhapatnam) : Sir, on behalf of Shri  
 D. C. Sharma, I beg to move :

"That the Bill further to Amend the Indian Penal Code and to provide for matters incidental thereto, as passed by Rajya Sabha and as reported by Select Committee be taken into consideration."

This Bill was passed by the Rajya Sabha. Then it came here and it was sent to a Select Committee. The Select Committee took evidence and received memoranda from various associations and a cross Sections of the society including professors, artistes, film producers and exhibitors, book publishers and advertisers lawyers' associations, women lawyers' associations and representatives of students. There was a general opinion that obscenity should be defined, the law relating to obscenity should be strengthened and the exceptions should be widened and there should be a stricter control and punishments and some provisions for artistic appraisal. A commission for the purpose has been suggested though not included in the Bill. There are no amendments and I am moving that the Bill may be taken into consideration.

श्री श्रीचन्द्र गोयल (चण्डीगढ़) : उपाध्यक्ष महोदय, बहुत देर से जिसकी आवश्यकता थी उसकी पूर्ति इस विधेयक के द्वारा की जा रही है। मैं समझता हूँ कोई भी आन्सोन आब्जेक्ट जोकि हमारे सामाजिक जीवन को दूषित करता था या गन्दा प्रभाव डालता था

\*The following members also recorded their votes :

AYES : Sarvshri Abdul Ghani Dar, Meetha Lal Meena and Bansh Narain Singh.

NOES : Sarvshri Prem Chand Varma, N. Sethuraman, T. Ram and Shrimati Sushila Rohatagi.

[श्री श्रीचन्द गोयल]

आज तक इस बात की व्यवस्था नहीं थी कि कानून के द्वारा उसके ऊपर प्रतिबन्ध लगाकर उसके गन्दे प्रभाव को रोक सकते। मुझे इस बात की प्रसन्नता है कि इस प्रवर समिति ने, देश के विद्वानों, सामाजिक क्षेत्र में काम करने वाले और दूसरे लोगों के मत संग्रह करके एक अत्यावश्यक विधेयक इस सदन के अन्दर प्रस्तुत किया है। आज जो गन्दे चित्र, गन्दी पुस्तकें या गन्दे पैम्फ्लेट्स के द्वारा खास तौर पर नौ-जवानों और नयी उम्र की पीढ़ी के ऊपर बुरे संस्कार डाले जा रहे हैं, उसको रोकने की व्यवस्था इस कानून के द्वारा की गई है। मैं समझता हूँ जो माननीय सदस्य इस विधेयक को लाये हैं वे बघाई के पात्र हैं। उन्होंने समाज की एक आवश्यक सेवा की है, एक बहुत पुरानी आवश्यकता जोकि बहुत पहले से चली आ रही थी उसकी उन्होंने पूर्ति की है।

17.15 hrs

[SHRI R. D. BHANDARE in the Chair]

श्री रणबीर सिंह (रोहतक) : चेयरमैन महोदय, जो बिल पेश हुआ है जोकि सेलेक्ट कमेटी से आया है, इस देश को उसकी बड़ी जरूरत है। देश के एखलाक, चलन और करेक्टर को बनाने में इसकी बड़ी कमी थी। इंडियन पीनल कोड के सेक्शन 292, 293 में बतौर कानूनदां इस कमी को महसूस किया जाता था। उस कमी को अब पूरा किया जा रहा है, यह न केवल समाज सेवा ही है बल्कि देश सेवा भी है। इसमें जो अमेंडमेन्ट पेश किए गए हैं, मुझे खुशी है कि लोगों ने उनको एम्पेक्ट किया है। लोगों ने फाहिश आर्टिकल्स, किताबें और रसाले निकालने का एक कारोबार बना लिया है, एक तिजारत बना ली है। यही दिल्ली में एक अखबार होता था उसका एडिटर ऊट-पटांग बातें लिखता था और यहीं रह कर पकड़ में नहीं आता था। लड़कियों के ऊट-पटांग किस्से लिखवा लेना और ऐसी बातें

कि आप सोच नहीं सकते थे, और वह भ्रामदमी लिखता जा रहा था और उसने लाखों रु० बनाये। मैं नाम नहीं लेना चाहता हूँ, इस किस्म के अखबार समाज पर एक बुराट हैं। मेरे कुनवे में छोटे छोटे बच्चे उसको पढ़ते हैं। मैं कहता हूँ कि अच्छी किताबें पढ़ो जिन में कुछ फायदा हो, लेकिन वह न कर के वह अखबार उन की जेब से निकलता था और उसका कितना बुरा अखलाकी असर पड़ता, है यह हम आप अच्छी तरह से सोच सकते हैं।

अब जो दफा 292, 293 आई०पी०सी० में वह पकड़ा जायगा और सजा के साथ साथ एंड लफ्ज भी है। और जो दूसरा कनविकेशन है पांच साल और दो हजार रु० फ़ाइन वह जायज है और मैं समझता हूँ कि एक डेटरेन्ट इफेक्ट उसका पड़ेगा। मैं सरकार को बघाई देना चाहता हूँ और माननीय शर्मा जी तथा माननीय टेनेटी विश्वनाथन जी ने जो चीज उठायी इस में देश का भला है, और मैं चाहूंगा कि इस को यूनानिमसली पास किया जाय।

इन्होंने जो कमीशन वाली बात रखी है वह लीगली वायविल भी है कि नहीं। उस कमिशन को रेफर किया जाय और फिर आये इस से कोई जस्टिस डिलेड जरिदम डिनाइड वाली बात तो नहीं होगी? इस को भी देखना चाहिये कि जस्टिस लम्बा न हो जाय और जो भ्रामदमी सजा पाये वह कानून के शिकन्जे से न निकल जाये। क्या यह जो कमीशन बनाया गया है यह अदालतों पर एक इन्पेक्टोरेट होगी? यह बात मेरी समझ में नहीं आती।

आई०पी०सी० की धारा 292 और 293 में जो तरमीम की जा रही है वह सही है और मैं इसका समर्थन करता हूँ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SUKLA): Mr. Chairman, Sir, I must thank the hon. Member Shri D C. Sharma for having brought this very useful Bill here and also Shri Tenneti Viswanatham who so ably conducted the proceedings of the Select Committee where this Bill was not only concerned but improved upon. I am sure this will fulfil a long-felt need to contain the growth of obscene literature in our country.

Shri Randhir Singh raised a point about the Commission. There is no such provision of a Commission as far as this particular Bill is concerned. Only the Select Committee when it approved the text of the Bill made an observation that the Government might consider the desirability of appointing an Act Commission to go through it. The provision of an Act Commission is not the part of this Bill.

As far as this Bill is concerned, I am sure the hon. House will give its unanimous approval so that this social evil that we are facing we will be able to tackle with greater vigour and on firmer grounds. I would commend this Bill for the acceptance of the House.

MR. CHAIRMAN : The question is :

"That the Bill further to amend the Indian Penal Code and to provide for matters incidental thereto, as passed by Rajya Sabha and is reported by Select Committee, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN : We will now take up clause by clause consideration. Since there are no amendments, I will put all the clauses together. The question is :

"That clauses 1, 2, 3, the Enacting Formula and the title stand part of the Bill".

*The motion was adopted.*

*Clauses 1, 2, 3, the Enacting Formula and the title were added to the Bill.*

SHRI TENNETI VISWANATHAM : I beg to move :

"That the Bill, as reported by Select Committee, be passed".

MR. CHAIRMAN : As the House is aware, the Indian Penal Code (Amendment) Bill, 1967 was passed by Rajya Sabha on the 15th December, 1967. It was transmitted to Lok Sabha on the 19th December, 1967.

Lok Sabha referred the Bill to a Select Committee on the 11th April, 1968. The Select Committee presented its Report on the 1st May, 1969.

The Select Committee made certain amendments in the Enacting Formula and clauses 1 and 3 and the House has now accepted all those amendments. They are as follows :—

Page 1, line 1,—

for "Eighteenth" substitute "Twentieth" (1)

Page 1, line 4,—

for "1967" substitute "1969" (2)

Page 3,—

(i) after line 21, insert—

,(b) in section 108,—

(1) after the words "who, within or without such limits," the brackets and figure "(1)" shall be inserted ;

(2) after clause (c), the following shall be inserted, namely :

"(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code."

(ii) line 22,—

for "(b)" substitute "(c)" (3)

[Mr. Chairman]

Page 3, in the marginal heading to clause 3,—

for "section 99A and Schedule II"

substitute—

"sections 99A, 108 and Schedule II of Act 5 of 1898." (4)

The question is :

"That the Bill, as reported by Select Committee, be passed."

*The motion was adopted.*

17.21 hrs.

#### REGULATION OF EXPENDITURE AND ERADICATION OF CORRUPTION BILL

SHRI HUMAYUN KABIR (Basirhat) :  
Sir, I beg to move :

"That the Bill to regulate internal and external expenditure and payments of the Governments of the Union, the States and Union Territories, their undertakings, concerns an institutions, and all civic bodies, under their direct and indirect control; to maintain watch over all business transactions of trading and commercial establishments to prevent leakage of Income-tax, Sales-tax and other taxes and check other malpractices; and to eradicate corruption black-marketing and smuggling, be circulated for the purpose of eliciting opinion thereon by the 30th August, 1969."

Sir, I am grateful to you and the House for giving me an opportunity of moving a Bill which I think may prove to be of very importance in re-organising the economic life of our country and eradicating certain evils which are acting like a canker in the body politics of our country. I think there will be general agreement that one of the gravest dangers which faces Indian national life today is corruption. This corruption has entered into almost every aspect of life, whether it be administration, certain echelons

of the judiciary, police, customs or income-tax. In every department of life whether it be commerce or industry, agriculture, or even private transactions between individuals, corruption has pervaded the society in a way which bodes ill for the country unless we can control it in time. It has become almost common talk that you cannot get anything done unless there is some consideration given for it.

I would submit that one of the major reasons why corruption of this nature and this magnitude has entered into our national life is the presence of very large sums of unaccounted money. There are, of course, also other social factors. I think one of the reasons why corruption is more rampant today than it has been at any time in the past is the fact that during the war period, between 1939 to 1945, almost all standards were violated. In many cases people became rich overnight without any effort by adopting means which cannot be justified in any way. When all social values, all moral standards were being destroyed by the impact of war, it is not surprising that it has affected every aspect of our national life and since then we have not been able to get over that difficulty.

As I stated a moment ago, one of the major reasons for corruption is the presence of very large sums unaccounted money, popularly called black money, in the hands of some people.

There is another new factor which has come into our public life today. The entire economic power of the country is today concentrated in the hands of the Government. In the past the administration or Government had only political power. Today, in addition to political power, there is also economic power. We have a system of licences, controls and permits, and various kinds of restrictions on the normal activities of the people which offer immense opportunities for various types of corruption to those who want to exercise undesirable and undesired privilege. The result is that, in every aspect of national life, this evil is eating into our vitals.

The figures of unaccounted money have never been actually estimated and they can-