

- (15) Shri Madhu Dandavate . . . 5th August to 7th August, 1975 (Fourteenth Session) and 5th January to 5th February, 1976 (Fifteenth Session).
- (16) Shri Ram Dhan . . . 5th August to 7th August, 1975 (Fourteenth Session) and 5th January to 5th February, 1976 (Fifteenth Session).
- (17) Shri Shyamnandan Mishra . . . 5th August to 7th August, 1975 (Fourteenth Session) and 5th January to 5th February, 1976 (Fifteenth Session).
- (18) Shri Robin Sen . . . 5th January to 5th February, 1976 (Fifteenth Session).
- (19) Shri Phool Chand Verma . . . 5th January to 5th February, 1976 (Fifteenth Session).
- (20) Shri Jagannathrao Joshi . . . 5th January to 5th February, 1976 (Fifteenth Session).
- (21) Shri Piloo Mody . . . 21st July to 7th August, 1975 (Fourteenth Session) and 5th January to 5th February, 1976 (Fifteenth Session).

12.04 hrs.

PUBLIC ACCOUNTS COMMITTEE

HUNDRED AND EIGHTY-SEVENTH REPORT

SHRI H. N. MUKERJEE (Calcutta-North-East): I beg to present the Hundred and eighty-seventh Report of the Public Accounts Committee on Chapter II of the Report of the Comptroller and Auditor General of India for the year 1972-73, Union Government (Civil) Revenue Receipts Volume II, Direct Taxes—Corporation Tax relating to the Department of Revenue and Insurance.

COMMITTEE ON PUBLIC UNDERTAKINGS

SEVENTY-SEVENTH REPORT AND MINUTES

SHRI K. NARAYANA RAO (Bobbili): I beg to present the following Report and Minutes of the Committee on Public Undertakings:

- (i) Seventy-seventh Report on Steel Authority of India Limited.
- (ii) Minutes of the sittings of the Committee relating to the above Report.

12.05 hrs.

STATUTORY RESOLUTION RE:
DISAPPROVAL OF PREVENTION
OF PUBLICATION OF OBJECTION-
ABLE MATTER ORDINANCE/MAT-
TER BILL—Contd.

MR. SPEAKER: Now, we continue with the discussion on Statutory Resolution regarding Prevention of Publication of Objectionable Matter Ordinance and Prevention of Publication of Objectionable Matter Bill.

The time allotted was two hours; the time already taken is one hour thirty minutes; the balance is only thirty minutes. Shri H. N. Mukerjee to continue with his speech.

SHRI S. M. BANERJEE (Kamrup): Sir, this is a very important matter. We have tabled several amendments. We request that two hours more should be given for this.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, the total time allotted for

[Shri K. Raghu Ramaiah]

all the three Bills put together was six hours; this has already exceeded by half an hour, but that does not matter. There are some two-three hon. Members from the Opposition who have given their names and who want to speak. I have no objection to extend the time by half an hour and then call the motion for consideration because the clauses will take some time and the third reading will take some time. We are already short of time. The opposition Members who have given their names may be called and I have requested our Members not to insist. The time may be extended by half an hour.

MR. SPEAKER: I think, we will have another thirty minutes.

SHRI H. N. MUKERJEE (Calcutta—North-East): Mr. Speaker, Sir, last night, I said only one sentence which was to the effect that we have seen a triple tragedy being enacted with the Government abolishing the Press Council—not a satisfactory proposition—then abolishing the protection to honest reporting of parliamentary proceedings and then pushing through this Prevention of Publication of Objectionable Matter Bill—the most objectionable piece of legislation—and this triple tragedy is indeed something which I fear, we may have to mourn later on with some detriment to the interests of our country.

Sir, the Press Objectionable Matter Act was put forward as a combination of the 1931 Act under the infamous rule of the foreigner. The 1951 Act, which had been characterised by some Members of the Congress Party even as a black Act, and then with some special additions which my friend, the Minister's ingenuity has been able to formulate, the result is a Bill which as some of our friend said yesterday, goes against the grain of decency and democracy. I put it strongly, because we do not require in the year of grace 1976 legislation of this sort as a permanent feature of the Statute Book

when the country can very well go forward in a different way towards the achievement of the objectives which Government itself puts forward. The definition of 'objectionable matter' has been made that even legitimate trade union activity can be prevented, but I am not going to labour this point which has already been mentioned in some detail by our friends yesterday. But this provision about incitement by any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services is obviously aimed at activity on the part of the trade unions and also to prevent publications of reports and comments on the struggles of workers. I know the Minister would say that that is not the intention. But we should judge the government only on the basis of what they have been doing so far and not merely by what they are professing to do. And I say this is because, confining myself to the subject under discussion, Government have told us that they were very serious about the Press Council's idea. They had adopted the Press Commission's recommendations and set it up and they had put into cold storage the Act, the Press Objectionable Matter Act which was there. They expected the Press Council to function in a responsible manner, but it did not do so therefore, they are getting rid of it and reviving the objectionable matter legislation. You will forgive me if I say that this is not a very honest way of proceeding. The Press Commission reported as far back as 1954 and in the Press Commission report there was a note by four Members, Acharya Narendra Deo, the late Shri Jaipal Singh whom we all knew so well in this House, Shri Chalapati Rao and Shri A. D. Mani who is functioning even now as a very capable journalist and they had recommended a whole package of ideas. They wanted elimination of the Press Objectionable Matters Act and they had asked for what they called 'a wide re-organization of the

functions' which would be defined for the Press. I am quoting from their words:

"In the wide re-organization which is being recommended and which we hope will be carried out, the relations between the Press, the Government and society should not be handicapped by the mistrust embodied in the legislation like the Press Objectionable Matter Act."

This was followed much later in 1971 in July when the Government, when Shrimati Nandini Satpaty was the Minister in charge, announced in Parliament its intention to curb the Press monopoly. In August 1971 the draft proposals were discussed by an informal group of Ministers among themselves. Now, shortly afterwards, a group of Indian editors, perhaps briefed by the Manila-based Press Foundation of Asia, went on a deputation to the Prime Minister and opposed the proposals, and heaven knows why, but we could guess the reasons. In November 1971, the Government announced a committee of Ministers to process the proposals for delinking the Press from industrial houses and diffusion of its ownership. Now Government made this brave proclamation about diffusion and delinking but in the result, we discovered that the newspaper proprietors kept up their campaign, a Bill which had been drafted, put on the agenda of the Lok Sabha in the monsoon session of 1972, mysteriously disappeared and was withdrawn overnight and now, in spite of the recommendation of the Fact-finding Committee on Newspaper Economics, the question of delinking and diffusion is not being tackled by the Government. On the contrary, big money interests in the newspapers are not being fought at all, while by repudiating the authority of the Working Journalists' own organization, by refusing them to have anything to do with the Press Council, by itself maintaining the Press Council in a manner

which meant its own demise, the Government has now come forward to say that the Press Council does not work, that 'our attempt to be liberal towards the Press and to have a re-organization of the relationship between Press, Government and society can now wait for ever', and in the meantime, the Press Council goes, the precious right of the Press to faithfully report the parliamentary proceedings goes and, under the name of objectionable matters, all kinds of things are being sought to be prevented from publication. This is by no means an upright way of proceeding.

Yesterday, my friend Shri Erasmo de Sequeira offered a bet which I do not know if my puritanic friend has taken up the bet but the newspapers today show how reporting of parliamentary proceedings is conducted. Our model of 'Satyameva Jayate' will become rather bad if Government proceeds in this direction at this rate.

In the definition of objectionable matters again we find—

"bring into hatred or contempt, or excite disaffection towards, the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder;"

This comes under the mischief of this Act. My friend Dr. Sharma is here. He is a jurist of some distinction. I do not know how this sort of a thing can go on.

Many years ago, there was a decision in the Supreme Court given by Justice Patanjali Sastri. He had tried to give an intellectual logic and put spirit therein. He, therefore, said that if relative minor breaches of peace of a purely local significance happen, then, they have to be treated very differently from those things which violate the security of the State. We are all with you, Mr. Shukla. We are with your colleagues if something

[Shri H. N. Mukerjee]

happens which affects the integrity of the State, which prejudices the effort of our people to reconstruct their life which is endangered by neo-fascism at home and abroad. We are willing to join hands with you but you are making it impossible for the people to come together in support of whatever policy you profess you wish to achieve but you are trying to penalise everything. Justice Patanjali Sastri had very correctly said: "We are of opinion that unless a law restricting freedom of speech and expression is directed solely against the undermining of the security of the State or the overthrow of it, such law cannot fall within the reservation under Clause 2 of Article 19 although the restrictions which it seeks to impose have been conceived generally in the interest of public order."

My submission is we can understand the paramount requirements of national Government. But in the name of public order, in the name of peace and prevention of disaffection, I am not going to permit to the extent of my capability, all this kind of legislation to go through without the strongest possible protests against it. I know also that Government would say, this is an emergent period when we are in need of a great deal of weaponry in order to put down hostile elements. But is this the way in which you proceed to put down the hostile elements? So, then, I do not know how the judiciary would continue to function and what would happen if things are brought before the court when the emergency is lifted. Some time or the other emergency will have to be lifted and this legislation, if put on the statute book, would come under the mischief of judicial withholding of sanction in regard to its legitimacy because it can only function for the interim period, otherwise it goes against the grain of decent political and other kinds of activities.

I find also how in this definition there are blanket provisions which want everything to be done by the Government representatives and immunities are offered to all sorts of people, their dignitaries. But there must be some limit. It is given here—

"incite any person or any class or community of persons to commit murder, mischief or any other offence, or

are defamatory of the President of India, the Vice President of India, the Prime Minister or any other member of the Council of Ministers of the Union, the Speaker of the House of the People or the Governor of a State,"

I do not know to what a pass we have come in our public life. I cannot understand how this can be put into this legislation. My friend Mr. Shukla from the congress side also had some difficulty in stomaching this matter. How can we accept this? After all I am referring to something which was said in the House in 1956 when Feroze Gandhi's Bill was made into a law when he had quoted from that authority on libel and slander Blake Odgers and these are the words: "Whoever fills a public position renders himself open to public discussion. He must accept an attack as a necessary though unpleasant appendage to his office." He had quoted also that the 'public conduct of every public man is a matter of public concern.' I do not know if the President needs a very special shield. Who is ever going to unnecessarily malign the President or the Speaker or the Chairman of the House? Why do we think of these eventualities which would be so rare as to entitle you to have the generosity, the magnanimity, the good sense, the wisdom to overlook or to take special steps on very extraordinary occasions? But in regard to a Prime Minister and Members of the Cabinet, Members of the Cabinet everywhere

in all the States belonging to different parties, juxtaposition of all sorts and conditions of men and women, where are we, at this rate, Sir? And to the Prime Minister herself I had occasion to tell publicly as well as in private that even as we support her for her basic policies there are many things which we just cannot support and we have to shout against her. So I cannot for the life of me understand how to shout against the policies of a public person as the Prime Minister of the country is to invite the anger of the law. I do not understand this. Are we saying good-bye to all that is done in normal political discussion? Anything could be misinterpreted when, I quote for example and I stand by every syllable of what I wrote in regard to the Prime Minister, I said for instance that the Prime Minister is entitled to have his followers but they should be men and not minions. I stand by that sort of statement and it is a civilised statement howsoever critical it might be. And I make a distinction in times of emergency like the present, when the future of the country is in jeopardy, what is necessary for the development of the country is entitled to have his followers but the people and what goes against the basic interests of the country, why should we be manacled in this fashion? I myself do write books and things from time to time. How the devil do I write a book on Parliament for instance? You and I Sir, have been in this House for quarter of a century or so and suppose we wish to write on Parliament, that would imply reflections which some people particularly of the censorious sort, who are now put up in order to operate these censor legislation, would interpret to be something against the interest of the country. So are we to be manacled, dumb-tied and all the rest of it? I am not going as far as it is in my power to say, I am not going to accept this without the strongest possible protest against it. Therefore, I feel, this is going a little too far. I find some of my friends are willing to

perhaps let off the Prime Minister and to have the Act on the other colleagues in the Cabinet or in the different States. Personally, Sir, I do not understand it because I do not feel so. I quoted Blake Odgers to show how a person in that kind of authority can take blows. I can give a blow and take it back, Sir, because, that is the essence of Parliamentary fighting. In public life, Sir, that always happens and if anybody makes a crude blackmailing attack—I am very distressed to hear of many blackmailing attacks, I am not sure against the Prime Minister, but against Members like Mr. Salve. I am very much distressed by these blackmailing things. But they recoil on the blackmailer. If the Prime Minister is badly maligned by anybody the malignment recoils on the malignee, if the Prime Minister is a big enough person to ignore it. But I do not know, Sir, because, now there is a different atmosphere. For Mr. Vidya Charan Shukla I have developed over the years a certain kind of personal feeling akin to affection. Even the other day he was opening an exhibition 'Last 10 years of Achievement' and there he happened to say, perhaps, only to applaud the work of the Prime Minister's regime that in the last ten years, India has achieved more. In the last one thousand years, so many things have happened.

There is a report in the Statesman. If he was misreported by the miserable scribes, I am not responsible. This is the atmosphere in which we are working and this lays down the norms which make it possible for the censor sitting upstairs or wherever he is functioning to look at this.

We have been gagged for ever and ever, what we say in the House never appears in the papers. And nobody will have the knowledge of what is happening here unless Mr. Shukla and the espionage people say something to the Home Ministry or do something about us. We get no compensation in Parliament. Our people don't even

(Shri H. N. Mukerjee.)

know what we say or what we do not say about it. What I wish to tell not only Mr. Shukla but also the Prime Minister, particularly, is this. It is no use merely applauding what you are doing or what you are likely to do or what you are promising to do will not produce the rightful effect. Go to the cinema. Look at the films that you are showing. The Films Division will watch the titters and giggles which sometimes they try to hide. Even in Delhi the people are not non-conformists, they are lawabiding—most of them are Government servants. This is the sort of thing that you will find happening. Beware of this sort of thing. Have an upright propaganda, talk about the things which we wish to achieve and it is with the assistance of the people that we are going ahead. Yesterday, I said that revolution was a most authoritarian thing in the world. I am ready to accept any authoritarian restrictions provided some revolutionary changes are properly being put into effect. I am ready to concede that revolution. Revolution does not take place like this. I wish to add: as Bernard Shaw said that we are all impatient for the revolution. We are all cowards who wish the revolution to happen in as gentlemanly a manner as possible. We can also fight in as gentlemanly a manner as possible. Let us have the revolution in a gentlemanly manner where the people know that things are permitted freely. Let us make up our mind about war on those hostile elements who, under the cloak of so many pomposities are trying to pursue the neofascist line in alliance with certain foreign elements which the Prime Minister from time to time is trying to identify with the kind of courage and character which I am ready to applaud. I am ready to applaud whatever is being done basically for the good of the country. But, it seems to me that I am not going to submit to a hallelujah of whatever is being said from certain sources. That

will not deliver the goods, that will actually deter our people from going ahead in the right manner. Now that you are not in a mood and, perhaps the House is not in a mood, to give me greater indulgence I would just spin up by saying that this Government has passed these three pieces of legislation which they are putting on the statute book quite gratuitously and without provocation, I say that this is something which just should not be there, let us make sure that our people fight because they like to fight this grumbler's army, they know what they fight for and they love what they can. This is what we want to inject into the minds of our people. If we do that, then we need not be afraid of those hostile elements to whom you are giving importance beyond all proportion. And that is being done because of, what I said yesterday, guilty conscience on the part of government. Have a little more courage and confidence. Then alone with character, you can go on to mobilise the help of our people into our march towards a better India.

MR. SPEAKER: I would request you, Mr. Agarwal to be brief.

SHRI VIRENDRA AGARWAL (Moradabad): It was really a compliment when the Minister, Shri Shukla, described by speech yesterday as 'totally irrelevant'. The Minister practically failed to meet my arguments on merits and therefore, he had no other choice but to make a scandalous and objectionable remark. The moment I mentioned that corrupt ministers must be exposed, I found him baffled. I do have great respect and admiration for his character and integrity. But, his annoyance has convinced me that he has grave doubts about himself. I do not know why the Minister, Shri Shukla who is so fond of employing scandalous or objectionable remarks has been entrusted with piloting this Bill on Objectionable matters. It is rather a sad commentary on the functioning of this entire Government. Sir,

I am interested to make comparative study on the performance of the British Government in India with the achievements of the present rulers but I would like this House to know that the people in India are now in a mood to do so.

Jawahar Lal Nehru was really a democrat and I am sure that had he been alive today he would have employed still harsher language to condemn this Government and its measures. He had set certain high standards for himself and for every representative Government of the Indian people. It is rather unfortunate that his democratic spirit has disappeared altogether so soon.

Sir, the Prime Minister has been asking for an assurance from the Opposition to abjure violence. While we have always been opposed to violence and have condemned it whenever it has occurred anywhere in the country but a senior Congress member yesterday pleaded for Danda democracy in this country. In fact, it is the Opposition which should demand an assurance from the ruling party to abjure violence. This authoritarian attitude on the part of the rulers has translated the democracy into a despotic rule.

The Prime Minister should better initiate a dialogue for national reconciliation. The earlier she does, the better it would be. Any further delay would actually complicate the matters. Let all political and social workers be released and censorship be lifted so that all parties could sit around and discuss more important issues facing the nation today.

This particular Bill, I feel, is not only barbarous and abnoxious but also pernicious. I would simply like to ask four statements from the hon. Minister which are based on hard facts

from the Government reports which may not be palatable to the Government. I would like to know whether they are really objectionable matters or not. The first question I want to ask that, (1) the major achievement of the decade is that those living below the poverty line have shot up from 40 to 66 per cent; Secondly whether stagflation is largely responsible for growing unemployment in India. The number of these registered with employment exchanges has gone up from 81 to 96 lakhs during the first half of the emergency period; thirdly whether the unprecedented agricultural production has made the former wander whether scientific farming really implies unremunerative prices for his produce; and fourthly whether it will enhance the prestige of this Government or cause dissatisfaction towards the Government if this House exposes the corrupt Ministers. These are the four statements which I have made and I would like to know whether they are objectionable matters or not. My impression is they have already been declared objectionable matters by the Centre. If this is the situation what shall we talk about in this country. You say there is democracy. Nothing is being done to curb the freedom. I think the hon. Minister has been doing nothing but misleading this house and hoodwinked the whole nation. Let us be very clear about it that now this nation is not allowed to talk anything about the poor and about those ideals for which we have been talking for centuries.

Sir, when there is a lot of talk about objectionable matter I simply want to ask the question if you do not allow certain things to appear in the press what does it result. Does it not result in rumours and whispering campaign? Can you really stop it? How are you going to stop it? There is underground publicity machinery today in the country working and I know that the Home Minister gives me material

[Shri Virendra Agarwal]

How are you going to stop it? No democratic country in the world has done this harm to press freedom what you have done; if you try to do that, I can only say that you are living in a fool's paradise. In this country there was a whispering campaign when the Emergency was proclaimed. Who does not know that there were rumours in Delhi that senior leaders like Shri Jagjivan Ram and Shri Y. B. Chavan were under house arrest? Who does not know that the country was talking that JP was dead? Even now we hear that Atal Bihari Vajpayee is suffering from paralysis and cancer. These are the rumours circulating in the country. If you do not allow facts to be stated, if you just call it objectionable matter, I really do not know how you can say that democracy is alive in this country. I really sympathise with the Government, not for its wisdom, but for its foolishness.

Regulation of the Press is synonymous with suppression of national aspirations. It cannot be said that the entire Press has lacked a sense of patriotism and responsibility. The Press Commission had reported: there is no doubt that large section of the Press in India is sober and responsible and does not indulge in what has been described as yellow journalism, there is however a small section of the Press which seeks to flourish on blackmail sensationalism and obscenity. The Powers which you have now acquired and the powers that you are using to encourage yellow journalism in the country but the sober and responsible Press has actually been curbed. This is the result of the powers that you have acquired. I want to ask you this question: where is responsible journalism today in the country. The circulation of all major dailies, whether you take the Indian Express or Hindi Hindustan or Patriot, has gone down because nobody is interested in reading newspapers. What

is there to be read? That is the real question. Similarly, the largest circulated Hindi weeklies in this country are carrying film stories; they have become film magazines; Dharma Yug and Saptahik Hindustan are carrying short stories. Similarly, I want to tell you that the largest circulated Hindi daily of this country now carries Manoranjan Ank. This is the situation; This is the fate of Indian journalism today. It is all due to your doing, due to your powers which you are trying to misuse every day. Critical appreciation of the Government's policies has altogether disappeared. No one in the country is interested in reading newspapers.

Vinobhaji extended his moral support to the Government for inculcating a sense of discipline but his moral support is no more available to this government; and he has made it absolutely clear now that unless Emergency is withdrawn and censorship is removed and unless you release all political and social workers, this government has no moral authority, no moral support from him.

AN HON. MEMBER: He never said it.

SHRI VIRENDRA AGARWAL: You read the decision of the meeting of Acharyas which was convened by him.

Finally, I want to say a word about the merger of the four news agencies. I am told that it is being considered as a viable unit. But it has been brought about at the point of pistol. (Interruptions) It is known; everybody knows about it. It was brought about within a period of 24 hours. What was the hurry? If it was a good thing, let it be done in a rational manner. I am not opposed to merger. But the point is that it should be done in such a way that everybody understands that it is a voluntary decision on the part of four news agencies to get together. I do not think monopoly agencies can really be

conducive to any democratic functioning in this country. I should plead with the rulers of the country to make a distinction between spiritual politics and debased politics. Spiritual politics is based on sacrifice, compassion and *Manav Dharma* practised by Mahatma Gandhi and Jawaharlal Nehru and the present debased politics of manipulations, hatred and curbing Civil liberties is being practised by the present rulers and which can never be appreciated by the people of this country. The genius of the Indian people makes it absolutely clear that this country the people of this country will accept only that type of politics which is for the good of the people rather than for the good of the ruling clique.

Finally, Sir, I just want to say one couplet of Rahim. What Rahim has said applies to the present rulers. Let the Government learn something from this couplet.

रहिमन पानी राखिये, बिन पानी सब सून्,
पानी गये न ऊबरे मोती मानुष चून् ।

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): Mr. Speaker, Sir, I rise to add my feeble voice to the voice of opposition and dissent expressed so powerfully by my learned friends Mr. Mukherjee and Mr. Virendra Agarwal. Sir, the object of the bill is clearly contrary to the well-recognised concept of Free Press. I felt that the Government did not dispute the proposition that freedom of expression and individual liberty are *sine qua non* of democracy. Where freedom of expression dies or is extinguished democracy dies. But after listening to the speech of the hon. Minister, I have started feeling that they have got a different conception about democracy. My learned friend, Mr. Agarwal, has already referred to a certain statement made by a senior Member of the ruling party. Yesterday he said that this country

was not fit for a free society nor for democracy, as is understood generally, but a danda democracy.

(Interruptions)

The hon. Minister has said that he does not want any interference with the freedom of expression and the press either by Government or by capitalists. But he went on to say that during the last three or four years, the press has indulged in irresponsible writings. They have been giving prominence to news of sensational value or scandal mongering. Their (the Governments') grouse is that they have given more prominence to movement led by Shri Jayaprakash Narain and thereby created a situation when the Government was brought into disrepute and made unpopular and that is why he is bringing the measures to discipline the press. But what will be the combined effect of these zills? The combined effect will be to muzzle the press. You have already given a shock-treatment to the press. The press people are not in a position to publish even innocuous news emanating from the opposition side. They are being fed news from the ruling party or from the censor and the result is that the press has become regimented, a hand-made of the ruling party, a puppet press and a submissive press. It is not good for a healthy democracy.

Mr. Virendra Agarwal has read out the chit that was given to the press in India by the Indian Press Commission in 1964. More recently chit was also given to the Indian press by no less a person than Mr. Justice Ayyangar, the Chairman of the Press Council, in a TV discussion on 14th June, 1973. He said the following:

"Apart from a negligible fringe, the Indian Press was fair, sober and discharged creditably its role and function in a democracy as the watch-dog of public interests and objective communicator of information to the people."

[Shri Satyendra Narayan Sinha]

This was the chit given by Mr. Justice Ayyangar. What did Pandit Jawaharlal Nehru say in 1950? Fortunately, it was not pre-Independence era and, therefore, my learned friend will not say that I am quoting from a statement of Pandit Jawaharlal Nehru made prior to Independence and so it has no relevance. He declared while addressing the All India Newspapers Editors Conference in 1950: "I have no doubt that even if the Government dislike the liberties taken by the Press and considers them dangerous, it is wrong to interfere with the freedom of Press. I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or a regulated press." What are you going to achieve by this measure? You may say that time has not stood still, as you said yesterday in regard to the other measure. But these are values which are immutable. Pandit Jawaharlal Nehru had deep faith in democratic value and principles and it is largely because of his commitment that the plant of democracy flourished here during the last 25 years. And what are you going to do now? What will be its effect?

You have referred to 1951 Act. And you said that Rajaji had brought forward this Act. What did Rajaji say on that occasion? He said then that this was going to be a dead letter. Secondly, he said that it was an improvement on the 1931 Act. And thirdly, he said that the executive Government was not going to take any action. It was the judiciary which had been empowered. And in explaining the provisions of the Bill, he had said: "Any executive Government which had its own authority easily exercises it but when the executive Government has to go as a complainant to a court and submit to the decisions not only of a court but of the terrible jury which I am going to put into the jury

box in any of these and thereafter the High Court which is not always too kind to the executive Government, have power to review, no Executive Government will pass an order for prosecution without considering hundred times". This was provided in 1951 Act.

I am surprised at Shri B. R. Shukla's speech that there are sufficient safeguards in this Bill. What are those safeguards? A competent authority would be appointed by this Government who will be not below the rank of a Deputy Secretary of the Central Government or a District Magistrate in a State. He will have all the powers to take action which will go to the Central Government for confirmation or disapproval. The Competent authority in most cases will be acting at behest of the Central Government itself. He will then become both the prosecutor and judge together. What kind of safeguards can be expected from such provisions. This has to be seen. Can it inspire faith? Therefore, my objection is that the very salutary principle which was laid down even by Rajaji has been substituted by the provision that the executive Government armed with all the powers will exercise the power, rather hastily without waiting for the consequences. That is why I say, this measure will tend to muzzle the press completely.

If you look at the provisions of the Bill, you will find that these have been bodily lifted from the Indian Penal Code. Sub-clause 1 of clause 3 is from Section 124A of the Indian Penal Code. Sub-clause (iii) is 505; Sub-clause (iv) is 153-A; Sub-clause (v) is 505. They have been bodily lifted from the Indian Penal Code. The Government gone much further. The crowning act of all these is that you cannot publish any representations, words or signs which are defamatory of certain dignitaries. I can understand if the President and the Vice-President or the Speaker of

the House is insulated; but it is beyond my comprehension that in any democratic government, where there is a party system of Government, where the Opposition party has a right to change that government, the Prime Minister and the Ministers should be insulated from any criticism which can be construed as defamatory. This is something which passes my comprehension and cannot stand any test of scrutiny. What do Government want? Do they want that there should be no Opposition functioning here, otherwise we should have the right to criticise the Government and get our speeches reported. Or else, how are we going to educate the people about the deeds and misdeeds of this Government? Without getting our speeches published, without educating the people, we cannot reach the people. You have got the radio and the mass media of communication at your disposal Every day—day in and out,—you are speaking against the Opposition, maligning them and we have no means of countering it. The other day, the Prime Minister said that the elections may be postponed by a year, but may be held within a year. How are we going to fight the elections? How are we going to reply to the kind of calumny that you are heaping on the Opposition? Is it permissible in a democracy? Is it the kind of democracy that you are going to have? You are proclaiming to the world that India is still enjoying democratic rights and that it is a democracy. It all goes to the credit of Jawaharlal Nehru largely that India became the most populous democracy in the world. And that is now being throttled by you. All the rights and privileges given to the people are being taken away; and you say that these curbs are for the Emergency. But beyond the Emergency, these laws will be there. The hon. Minister said that the Press people should not enjoy more privileges than ordinary citizens. I for one do not know whether the Press people had asked for more privileges than ordinary citizens.

The Minister had said that they can also be prosecuted under the common law of the land. Then why do you have this special law? Even in 1951, it was hotly opposed by almost all sections of the House that no special law need be passed for dealing with delinquent Pressmen. There are ample powers in the Penal Code to deal with such people. And once you take power in your hands, it will in my opinion, sound the death-knell to whatever freedom the Press has been enjoying.

MR. SPEAKER: Kindly conclude.

SHRI SATYENDRA NARAYAN SINHA: Your charge or your grouse was that the Press was giving more publicity to the Opposition. But what was the actual position? You made a lot of fuss, a big bone about the fact that the Press people predicted that during the 1971 elections, the ruling party would not get the majority. Do you want to imply that the Press people are infallible, their forecasts cannot go wrong? What happened in Britain? The papers said that the Tories would lose; but the Tories won. In America it was about Roosevelt. All the time the Press people announced that Roosevelt would lose. Roosevelt won. So, they had predicted about Truman. This is not a crime, or so much of a lapse that should call for censor of their conduct warranting the imposition of curbs. But if you look to the survey carried out by the IENS about the news coverage given by newspapers about the 1971 elections, you will find the ruling party got the most and that of all the editorials written by them, the majority supported you. They were in your favour. The majority of the editorials told the voters that the ruling party was the only hope for stability. Still, you have this grouse that they were not with you. It is only when the JP movement gained momentum that the press had the courage to give prominence to his views. Until

[Shri Satyendra Narayan Sinha]

then the opposition parties were almost blacked out. They were not getting due publicity. What is the position today after the emergency? Do you think the press will have the courage to give publicity to what we say in our constituencies against you? Would the press be in a position to publish what the Members of the opposition speak in this House? So, the result would be a regimented press and there would be no free expression of opinion. That is the kind of democracy that we are going to have. That is why I am asking this question; Are you not reversing the entire process and taking the country along the totalitarian path, which is against what Mahatma Gandhi and Jawaharlal Nehru stood for and fought for? That is why I oppose this Bill.

THE MINISTER OF STATE OF
INFORMATION AND BROADCAST-
ING (SHRI VIDYA CHARAN SHUKLA):

Sir, I am thankful to the hon. Members who have taken part in this debate. In spite of my explanation when I moved the motion for consideration of the Bill, there still seems to be some misgivings and some doubts in the minds of hon. Members. As some members have pointed out, particularly Shri Satyendra Narayan Sinha who spoke before me, there are certain provisions in the law which already existed, and they have been incorporated in this law, though they have been adopted in a very restricted sense; not in a general sense where any action about anything written in the press could have been taken by anybody, including the lowest functionary of Government. Under this Act if any action has to be taken, it has to be taken by the competent authority, and that too after a report having been made by the reporting officer. These two safeguards that have been put in the Bill are to ensure that no light-hearted or frivolous action is taken against anybody who says things which are against the people in power or which go against

the Government established by law. The provisions have been made, giving the exceptions where all the legitimate criticism could take place.

Shri Satyendra Narayan Sinha, who is a lawyer himself, and many hon. Members who understand these matters, very well know the difference between defamation and criticism. When Shri Sinha was speaking. I was wondering how he is confusing between defamation and criticism. It is well-defined. Shri Sequeira would do well to refer to section 499, IPC. He will find that the definition which we have adopted is the same as in that section. Defamation arises when things are said which are false, and that too with *mala fide* intentions. Therefore, the intention of good faith is lacking in the case of defamation. The provisions of this law will come into operation only if you say things *mala fide*. If you say things which are true and you stand by them you will not come under the mischief of this Act. It cannot.

13 hrs.

SHRI INDRAJIT GUPTA (Alipore): Defamation has to be proved in a court of law, but here the district magistrate will decide whether the remark is defamatory or not.

SHRI VIDYA CHARAN SHUKLA: The matter will be only initiated by him. Then there are rules provided for appeal. An order can be passed, but the order can be set aside by a court of law. Hon. Members are talking without reading the provisions of the Bill.

This Bill provides that if an order is made in anticipation of publication, the aggrieved party can make an appeal the next day or within ten days, and that if the Central Government, who are the first appellate authority, do not decide the appeal, then it will be decided against the respondent, i.e., against the Central Government, and that if it is not decided

within seven days by the Government, the order will automatically lapse. So, there is no question of any harassment or the matter being kept pending for years and years.

In the case of an order after publication of the alleged matter, an appeal can be made the next day or within 30 days by the aggrieved party and if the Central Government does not decide it within 60 days, the order will lapse automatically. So, the Central Government cannot keep it pending. After that appeals have been provided to the High Court and the Supreme Court. So, the judicial process are not barred.

But I am unable to accept the criticism that barring objectionable matter is barring criticism. We have specifically provided that criticism which is not defamatory, i.e., which is not false or *malu fide*, can be made freely and completely. There is no bar to that as far as this particular Bill is concerned. Therefore, I would request hon. Members not to confuse between criticism and defamation because they are two completely different things. Whereas we allow full freedom for criticism, certainly lots of people would be interested in defaming those who are in a vulnerable position and who by the nature of their duties have to take decisions of far-reaching importance which hurt various vested interests. Such defamation has to be stopped because not only does it hurt the democratic and the elective process, but it also creates a feeling against democracy itself. We have seen in the past few years that whereas individuals were chosen for defamatory attack, the main target was democracy or the democratic process. The individuals do not matter, they may have been insignificant persons, but via the individuals the attack was mounted on the progressive and democratic things being done in this country. So, we have made this provision only against such attacks made with the ulterior motive of destroying the

very institution which we want to preserve in this country.

If the hon. Members had taken the trouble, they would have seen that we have bodily lifted these restrictions from article 19(2) of the Constitution.

SHRI INDRAJIT GUPTA: That has been suspended by a Presidential order.

SHRI SOMNATH CHATTERJEE (Burdwan): Rights have been taken away, only restrictions remain.

SHRI VIDYA CHARAN SHUKLA: I have said before that this is not going to be an emergency law. This law is going to remain even after the emergency is over.

Here I would like to say that the reasonable restrictions put in article 19(2), which have been upheld by the Supreme Court, relate to the sovereignty and integrity of India. They have been imposed in the interests of: (1) security of the State, (2) friendly relations with foreign States, (3) public order, (4) decency or morality and in relation to: (5) contempt of court, (6) defamation, and (7) incitement to an offence.

These are reasonable restrictions which have been put in the Constitution as reasonable restrictions which can be put on the rights enshrined in article 19 of the Constitution. In this Act, we have taken care to see that objectionable matters do not go beyond those reasonable restrictions that have been provided by the Constitution.

Regarding muzzling of the Press, explained yesterday at some length and Mr. Mukerjee knows about it that for a long time, we have been talking of code of ethics and code of conduct and what not. Let anybody take the trouble of picking up that draft codes which was proposed by the editors themselves and find out if it runs counter to what we are providing in

[Shri Vidya Charan Shukla]

the Act. They have suggested that certain things should not be done by the journalist and we have said the same thing here. The only thing is that this is said in law and there they wanted it to be voluntary. The only question could be why did you not let it be voluntary and why did you not want it to be enforced by law. This is the question on which we can have a debate whether there should be a law or whether it should be left to voluntary control. Our experience for the last 15 years is that voluntary control does not work, as far as politics is concerned. The newspapers certainly become gravely involved in politics as they should. Nobody can take objection to this involvement of the newspaper in politics because they are meant to educate public opinion about political thoughts and cross currents. But when they act under the pressure of monopoly houses, under the direction and orders of monopoly houses, then it becomes difficult.

Persons like Mr. Virendra Agarwal and other friends who were shouting in this House and were criticising about this Act, do not have a word to say against it. But these very people were doing nothing but shouting....
 (Interruptions)

It was not a speech; it was only a shout I heard here. These very people come and mount an attack on the democratic system; they mount an attack on the values that we cherish in the democratic India. I heard criticism from the various Members, from the Opposition Members and from Members of our own Party. Nobody disputed that this was done in this country and was it not done. It was done in a motivated manner; it was done for attaining certain objectives, for creating disorder and chaos in the country.

These voluntary codes were all set aside. Nobody thought of those voluntary codes; nobody thought of those

codes that were evolved 15 years ago. About three years ago, an All India Newspapers' Editors Conference also suggested a voluntary code. Nobody cared about it. Now the Central Committee of Editors which consists of editors of the highest integrity and unimpeachable character has suggested a code, and I would request Mr. Sequeira or Prof. Mukherjee or Mr. Gupta or any other Member who is interested in finding out the real truth, to find out whether any of the provisions that we have made go contrary or beyond to that voluntary code of ethics that is being provided, that has been suggested by the editors themselves. If there is anything of that kind I am prepared to bring an amendment to this Act. Kindly look into it and let us find out whether we are transgressing the limit that have been suggested by the journalists themselves in the interest of free working of the Press. Kindly do not make criticism out of emotions and bring forward reasons here which are not really relevant to the Bill which is under consideration.

It is quite typical of Jan Sang Members to say things and walk out of the House and not wait for the replies to be heard. Therefore, Mr. Virendra Agarwal like yesterday is absent from the House. I would like to tell him that it is really funny for us, when Jan Sang Members quote Jawaharlal Nehru, Mahatma Gandhi and Vinoba Bhave; we cannot just take the matter seriously; when like devil they quote scriptures. Therefore, if Mr. Virendra Agarwal wants to be taken seriously, he should study the matters much better before he comes and speaks before this House, the national forum, rather than speaking some irrelevant things, walking out and not even having the courage to hear the reply to his criticism or whatever he said here.

SHRI INDRAJIT GUPTA: After you acquire the powers under this Bill, will the censorship remain?

SHRI VIDYA CHARAN SHUKLA: I would like to tell him that this Bill has nothing to do with the censorship. That is a completely different thing. Censorship may stay or may go. As far as I can see, this measure is going to remain on the statute book because this measure is going to see that the monopoly press is not able to use itself as a lever to pressurise the leaders of the Government, the Ministers of the Government and the Government itself.

About the question of delinking, I may tell Mr. Mukerjee that we are committed to delinking newspapers from the monopoly houses...

SHRI INDRAJIT GUPTA: When are you going to do it?

SHRI VIDYA CHARAN SHUKLA: Any amount of criticism about it is not going to deviate us from this path. It is a matter which will take a little time. Even about this measure that I have brought before the House, that has been done after a great deal of study. We spent about five months, studying various provisions, various reports, various memoranda and things which were submitted to us. Therefore, we have not done this in a light-hearted manner. In what manner, at what point of time, this can be done is still to be seen. As a matter of policy, we do feel that delinking is necessary and we will see how well this can be done.

Again, the hon. Member, Mr. Virendra Agarwal, made a statement which is typical of him and which is absolutely inaccurate and false. He said that the circulation of newspapers has gone down. Actually, the circulation of newspapers has gone up. The figures with the Registrar of Newspapers about the demand of newsprint for newspapers, etc., show that the circulation of newspapers has gone up. Here, the hon. Member comes and says

that the circulation of newspapers has gone down. What kind of credence can be given to such a criticism when it is made in such a light-hearted and irresponsible manner.

About the values of press freedom, if he sees dispassionately and objectively the various provisions of the Bill, the way the values of press freedom were abused in the last so many years systematically, he will find that this Bill is aimed at preventing disabuse of the values of press freedom. This Bill is not going to take away the values of press freedom. If the values of press freedom consist in publishing falsehood calumny, obscene and scurrilous writings and personal malicious attacks on the national leaders, then those values of press freedom are being taken away. But if the values of press freedom are such as we understand them, as the nation understands them, they are not being taken away by the Bill which has been brought before this house.

SHRI H. N. MUKERJEE: Will the hon. Minister explain the delay in putting checks on big monopoly press? Also, will he explain about the fact that when the hon. Minister is trying to re-organise the news agencies, he is putting at the top of the new body, at control, the men from the *Hindu* and other newspapers which have been taking a stand in reporting as well as in editorial comment against the national objective? How can this sort of things co-exist together?

SHRI VIDYA CHARAN SHUKLA: We are not responsible for putting anybody at the top of a body that is being formed. The *Hindu* may be a big paper. But it is not a monopoly house paper. It is not connected with any monopoly house. If the four news agencies that are being merged together have asked Mr. Kasture to head the organisation, I do not think we can be blamed for that. It is a

[Shri Vidya Charan Shukla]

voluntary merger. You can yourself find out from those people. Whatever one may whisper, whatever kind of rumours might be spreading, I say, it is the employees themselves of these four news agencies who have passed the resolution for this merger. Then the Board of Directors met and they passed this merger. I don't think anybody is holding a pistol on the head. We have not been holding it; we only made our displeasure known to them, that we don't think that these agencies are functioning in a proper way, that they are heavily subsidised by public funds but the way they were collecting and disseminating news was not really in the public interest but they were subserving the interest of five newspapers which are controlled by the PTI and UNI. Five big houses, four of them controlled by monopoly houses are the owners of the PTI and UNI and they were singing to the tune of their masters and this was not in the national interest. Therefore, if the merger has taken place, it is a healthy development in Indian journalism. There is no delay as far as we are concerned; we are only proceeding cautiously, step by step, in this direction.

AN HON. MEMBER: Hastening slowly?

SHRI VIDYA CHARAN SHUKLA: Hastening slowly, that is correct.

And this is being done after the greatest amount of consultation with the people who are affected and there is no muzzling of the Press because this provision will only allow the papers which are run on true journalistic lines to function properly and without fear of competition from yellow journalism which often put a paper with the right behaviour at a disadvantage. Those who indulge in sensational writing and scurrilous writing often get a higher circulation of papers while those who are sober and keep to the journalistic

values and who want to uphold the national principles of secularism, democracy and socialism are at a disadvantage. Now, with this kind of curbs on defamation, obscenity and various kinds of unwarranted writing, it would be possible for a healthy press to grow by itself and the district press and the regional press and the divisional press which used to indulge in all kinds of undesirable things would be contained, not because of political reasons but because we want that journalistic values and journalistic traditions must grow in a healthy fashion. And by going through the provisions of the Act the Hon. Members will find that this is not going to hurt the good traditions of the press, that it is not going to hurt the healthy traditions of the press, but on the other hand, it is going to promote them and it is going to hurt only those people who have been abusing the so-called freedom of the press which they have never respected.

With this explanation, I hope the Hon. Members who really feared that there was going to be a stranglehold of the press would be satisfied and those who are criticising it only for the sake of criticism will probably be able to give a second thought to this matter.

SHRI ERASMO DE SEQUEIRA (Marmagao): I have been giving second thought to this matter by listening to everything that has been said by the Minister and the Hon. Members of the Congress Party and some of their friends and allies in the Opposition. Whatever I heard only seems to confirm the fear that I expressed yesterday or rather, the apprehension—because I don't have a fear of anything—that this is a black day for democracy in India. And like all unnatural things, this black day began at mid-day yesterday and is going to finish at about 4 o'clock today.

The Hon. Minister was yesterday speaking about safeguards, about all the safeguards put in the Bill. What are the safeguards that exist in this Bill? What is considered objectionable is so wide that you can literally fit into it almost anything you like. Even if the construction of the objectionable matter is strict, the right to decide what is objectionable and what is not objectionable is given to the Deputy Secretary to Government or a District Magistrate acting under the very efficient control of the Hon Minister Mr. V. C. Shukla. Mr. Shukla was talking about Art. 19 and he was saying that nothing that was not there has been placed in the restrictions. We know that this country today is full of articles enshrined in the Constitution but unenforceable. I would like to say to Mr. Shukla and to Government on the floor of this House that the difference between 'reasonable restriction' as interpreted by the Supreme Court and 'reasonable restriction' as determined by an officer of the Government under the control of the very effective Minister is as much as the difference between democracy and fascist regime.

12.30 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

We all know that, at the time of consideration of MISA, we received assurance after assurance in this House; many provisions were quoted to us as safeguards while the Bill was being passed, but even before those provisions were removed, Member after Member of this House—Member after Member of the Opposition and also Members of the Congress Party—was arrested. Then, one by one, what had been quoted to us as safeguards were removed from the law—review and all sorts of things.

Now, look at the definition of 'Ministers'. It says 'anything which is defamatory of the President, the Vice

President, the Prime Minister of any other Member of the Council of Ministers of the Union'. If they require protection, why not the persons in the States? Are they not in public life? Do they not head their units? But this protection is only for them here. Are we not to suspect, in such circumstances, that what is being said is not what is meant?

This Bill, and the discussion in the House, has given another brilliant opportunity to the Government to prove its bonafides. My colleague, Mr. Chandrappan of the CPI, ...

SHRI INDRAJIT GUPTA: How can he be your colleague?

SHRI ERASMO DE SEQUEIRA: I am a Member of Parliament and he is also a Member of Parliament....

SHRI INDRAJIT GUPTA: You paid him a compliment by describing him as an ally of the Government. We do not want to be described as your colleague.

SHRI ERASMO DE SEQUEIRA: My colleague in Membership and a worthy opponent in politics, Mr. Chandrappan....

SHRI INDRAJIT GUPTA: Yes; be precise.

SHRI ERASMO DE SEQUEIRA... while speaking on this Bill said:

"Can we not incite a class to overthrow the other class? Yes; we will do that."

You talk of discipline, and he tells you on your face that he believes in incitement. I am not suggesting that the CPI be banned. I am a democrat; I do not believe in banning of political parties. But that is what this Government does. I am going to say to them that the only reason why they do not ban the CPI is, by leaning on it, they acquire the progressive image which they, otherwise, do

[Shri Erasmo De Sequeira]

not have. I hope, my friends in the CPI will eventually begin to get this message and get themselves out of the clutches of this Government that is carrying us towards autocracy....

SHRI S. M. BANERJEE (Kanpur):
 And get into your clutches?

SHRI ERASMO DE SEQUEIRA: If you join me, I will carry you back towards democracy.

The hon. Minister was saying that this was a measure which would ensure the health of public life and journalism. Since we are talking in medical terms, what is happening today reminds me of a person who went to a medical college for five years, graduated, came out, set up a shop and instead of medicine started to practise butchery. We elected this Government to run a democracy, but they are carrying us fast into an autocracy.

According to Mr. Shukla, the ultimate responsibility and answerability of the Government is always there; so, whatever is done under this law, it is he and his Government who will be answerable to this House. That may be only upto the 18th March, 1976, because, on that day, you cease to be answerable to this House, and every one of us, at the end of our term, becomes answerable to the people.

SHRI VIDYA CHARAN SHUKLA:
 Are you not answerable now?

SHRI ERASMO DE SEQUEIRA: I am not answerable now; the Government is. I become answerable at the end of my term.

MR. DEPUTY-SPEAKER: I am learning new political theories.

SHRI ERASMO DE SEQUEIRA:
 That is my view subject to a debate.

SHRI H. M. PATEL (Dhandhuka):
 He is pleading for the right to disagree.

SHRI ERASMO DE SEQUEIRA:
 The hon. Minister was saying that defamation as defined has not been transgressed in this law. The fundamental difference is that defamation is to be ruled by a court. This law will be determined by the Government. That is the extent of our objection that Government wishes to make itself the judge; it seeks to turn the executive into a judicial institution.

MR. DEPUTY-SPEAKER: Are the courts barred by this Bill?

SHRI ERASMO DE SEQUEIRA:
 Sir, as you know very well, an appeal lies to a court. In these things what really counts is how the law is implemented. In fact, by the time the thing gets to a court, the news will be stale. The news is stale even the next morning. The basic difference is that when the amalgamation of this takes place, the balance of democratic society is upset and may be eventually destroyed.

Shri H. N. Mukerjee, my respected senior colleague, with his richness of language, made a brilliant speech but I would like to submit to him that in supporting the emergency, the edifice that he built to begin with crumbled. Because minus this emergency, this Bill, this ordinance would never be before and in my view, minus Shri Chandershekhar and Shri Ram Dhan, such a law would not get the support of even half the Congress Party. These are the circumstances in which we work.

The Government may feel that by passing of these laws and by acquiring all these powers, they show their strength; to me they only show their weakness, because a man who girdles himself with powers is a man afraid; a man who uses power for a purpose

and for delivering goods is a man in action; a man surrounded by mobs is a person terribly afraid.

I can fully understand the fears of this Government. If they go to an election now, they would undoubtedly be in the opposition. As I was saying when I began, this is a black day it is a day when the majority of us in this House, and I speak this time for the majority that has been muzzled, would never like to see this. I submit that this ordinance should be disapproved; this Bill should not be passed and the people of this country should continue to be allowed to be full participants in this democracy and for that participation, an essential ingredient is uncontrolled information without Government intervention.

MR. DEPUTY-SPEAKER: I will now put the Statutory Resolution of Mr. Erasmo de Sequeira to vote. The question is:

"This House disapproves of the Prevention of Publication of Objectionable Matter Ordinance, 1975 (Ordinance No. 28 of 1975) promulgated by the President on the 8th December, 1975."

Let the Lobbies be cleared.

The Lok Sabha divided:

Division No. 9]

AYES

[13.35 hrs.

Bade, Shri R. V.
Banerjee, Shri S. M.
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib

*Wrongly voted for Ayes.

Deshpande, Shrimati Roza
Gupta, Shri Indrajit

Haldar, Shri Madhuryya
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Kathamuthu, Shri M.
Koya, Shri Mohamed
Krishnan, Shri M. K.

*Lambodar, Shri Baliyar

Manjhi, Shri Bhola
Mavalankar, Shri P. G.
Modak, Shri Bijoy
Mukherjee, Shri H. N.
Mukherjee, Shri Saroj
Parmar, Shri Bhaljibhai
Patel, Shri H. M.
Patel, Kumari Maniban
Ram Hedao, Shri
Roy, Dr. Saradish

Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sequeira, Shri Erasmo de
Shastri, Shri Shiv Kumar
Sinha, Shri Satyendra Narayan
Vijay Pal Singh, Shri
Yadav, Shri G. P.

NOES

Aga, Shri Syed Ahmed
Alagesan, Shri O. V.
Ambesh, Shri
Appalanaidu, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul

Berman, Shri R. N.
 Barupal, Shri Panita Lal
 Bhagat, Shri H. K. L.
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandrakar, Shri Chandulal
 Chandrika Prasad, Shri
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Daschowdhury, Shri B. K.
 Dharamraj Singh, Shri
 Dhillon, Dr. G. S.
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Doda, Shri Hiralal
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gavit, Shri T. H.
 Gill, Shri Mohinder Singh
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampam
 Hansda, Shri Subodh
 Ishaque, Shri A. K. M.
 Jaffer Sharief, Shri C. K.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kakodkar, Shri Purushottam
 Kamakshishah, Shri D.

Kamble, Shri T. D.
 Kaul, Shrimati Shanta
 Kinder Lal, Shri
 Kishku, Shri A. K.
 Kotaki, Shri Liladhar
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Lakshminarayana, Shri M. R.
 Laskar, Shri Nihaar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Maurya, Shri B. P.
 Mayathevar, Shri K.
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohan Swarup, Shri
 Mohapatra, Shri Shyam Sunder
 Murmu, Shri Yogesh Chandra
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Tuna
 Palodkar, Shri Manikrao
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patil, Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Peti, Shri T. A.

Paje, Shri S. J.
 Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramalah, Shri K.
 Rai, Shri S. K.
 Rai, Shrimati Sahodrabai
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ranabahadur Singh, Shri
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri P. Ankineedu Prasada
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Ganga
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satpathy, Shri Devendra
 Savitri Shyam, Shrimati
 Sethi, Shri Arjun
 Shambhu Nath, Shri
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Shashi Bhushan, Shri

Shastri, Shri Biswanarayan
 Shastri, Shri Sheopujan
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Uikay, Shri M. G.
 Virbhadra Singh, Shri
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: (The result of the division is: Ayes—35; Noes—152.

The motion was negatived.

SHRI DINEN BHATTACHARYYA (Serampore): With the Ayes, you kindly add the number of MPs who are in jail.

MR. DEPUTY-SPEAKER: Order, please.

SHRI R. S. PANDEY (Rajnandgaon): Bhattacharyyaji, you should go and convey that.

MR. DEPUTY-SPEAKER: Order, please. I am awaiting your pleasure. I will now take up Mr. Banerjee's amendment.

*The following Members also recorded their votes for NOES:
 Sarvashri Nawal Kishore Sharma and Baliyar (Lambodar.)

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 4th March, 1976." (1)

Let the Lobby be cleared.

The Lok Sabha divided:

AYES

Division No. 10] [13.37 hrs.

Bade, Shri R. V.
Banerjee, Shri S. M.
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Chaudhuri, Shri Tridib
Deshpande, Shrimati Roza
Gupta, Shri Indrajit
Halder, Shri Madhuryya
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Kathumuthu, Shri M
Krishnan, Shri M. K
Manjhi, Shri Bhola
Mavalankar, Shri P. G.
Modak, Shri Bijoy
Mukerjee, Shri H. N.
Mukherjee, Shri Saroj
Parmar, Shri Bhaljibhai
Patel, Shri H. M.
Ram Hedao, Shri
Roy, Dr. Saradish
Saha, Shri Ajit Kumar
Saha, Shri Gadakhhar

NOES

Aga, Shri Syed Ahmed
Alagesan, Shri O. V.
Ambesh, Shri
Appalanaidu, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barupal, Shri Panna Lal
Bhagat, Shri H. K. L.
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandula
Chandrika Prasad, Shri
Chaudhary, Shri Nitiraj Singh
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Daschowdhury, Shri B. K.
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dinesh Singh, Shri
Dixit, Shri G. C.
Doda, Shri Hiralal

*Wrongly voted for Ayes.

Gangadab, Shri P.
Garcha, Shri Devinder Singh
Gavit, Shri T. H.
Gill, Shri Mohinder Singh
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gowda, Shri Pampan
Hansda, Shri Subodh

Ishaque, Shri A. K. M.

Jaffar Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Charanjib

Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kakodkar, Shri Purushottam
Kamakshaiah, Shri D.
Kamble, Shri T. D.
Kaul, Shrimati Sheila
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Krishnan, Shri G. Y.
Kureel, Shri B. N.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagawan
Maurya, Shri B. P.
Mayadhevar, Shri K.

Mirdha, Shri Nathu Ram
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Murmu, Shri Yogesh Chandra
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Tuna
Palodkar, Shri Manikrao
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri T. A.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai Shrimati Sahodrabai
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ranabahadur Singh, Shri
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri P. Ankineedu Prasada
Rathia, Shri Umed Singh
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal

Reddy, Shri P. Ganga
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Saini, Shri Mukti Raj
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Satpathy, Shri Devendra
Savitri Shyam, Shrimati
Sethi, Shri Arjun
Shambhu Nath, Shri
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Shri R. R.
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tardekar, Shri V. B.
Tayyab Hussain, Shri
Tiwary, Shri D. N.

Tombi Singh, Shri M.
Tulsiram, Shri V.
Ulkey, Shri M. G.
Virbhadra Singh, Shri
Yadav, Shri Karam Singh
Yadav, Shri N. P.
Yadav, Shri K. P.

MR. DEPUTY-SPEAKER: The result of the division is: Ayes—22; Noes—154.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, be referred to a Select Committee consisting of 12 members, Namely:—Shri S. M. Banerjee, Shri Dinen Bhattacharya, Shri Tridib Chaudhuri, Smt. Roza Vidyadhar Deshpande, Shri Indrajit Gupta, Shri H. N. Mukerjee, Shri Saroj Mukherjee, Shri Vayalar Ravi, Shri Vasant Sathe, Shri Shashi Bhushan, Shri Ramavatar Shastri, and Shri C. K. Chandrappan, with instructions to report by the 1st April, 1976." (12)

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

*The following Members also recorded their votes for 'NOES':
Shrimati Premalabai Chavan and Shri V. B. Tardekar.

MR. DEPUTY-SPEAKER: Now we take clause by clause consideration.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill

Clause 3—("Objectionable matter" defined).

SHRI INDRAJIT GUPTA: I beg to move:

Page 3.—

omit lines 16 to 18. (2)

Page 3, lines 33 and 34.—

omit "or any other member of the Council of Ministers of the Union" (5)

SHRI S. M. BANERJEE: I beg to move:

Page 3, line 30.—

for "mischief or any other" substitute—

"assault or any other similar violent" (8)

Page 3, line 35.—

omit "or the Governor of a State" (10)

Page 3.—

after line 45, insert—

"Explanation IA—Any writing published with a view to bring about a democratic alternative to the present Government shall not be deemed to be objectionable matter within the meaning of this section." (11)

SHRI DINEN BHATTACHARYYA (Serampore): I beg to move:

Page 3.—

for lines 13 to 15, substitute,—
 "towards the State; or" (13)

Page 3, lines 19 and 20.—

omit "or the Forces charged with the maintenance of public order" (15)

Page 3, line 28.—

omit "or against the public tran-

2257 L.S.—7.

SHRI S. M. BANERJEE: I beg to move:

Page 3, line 29.—

omit "or any class" (17)

SHRI INDRAJIT GUPTA: My amendment to clause 3 is for omitting lines 16 to 18, i.e. that part of the definition of "objectionable matter" which reads as follows:—

"any words, signs or visible representations—which are likely to—

incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services;"

I listened very carefully to Mr. Shukla in this first place when he was assuring us that the reasonable restrictions which are laid down in the Constitution under 19(2) correspond to exactly what has been incorporated in this Bill. I beg to differ from him because this is not one of the reasonable restrictions which are laid down. Secondly, as we have found from experience, this particular power which is being taken is already there in a number of statutes, which are all meant to deal with strikes of the working class which Government may consider to be illegal. You have the Maintenance of Essential Supplies and Commodities Act on the statute book. I don't know whether the Minister is aware because it does not come under his jurisdiction. There is the Press Act. You have the Industrial Disputes Act which says clearly under what circumstances strike can be declared illegal. There is a procedure how strike can be declared illegal, how participants in the strike or how those instigating others can be punished or penalised etc. There is MISA. There is the DIR. There are half a dozen statutes already in existence which are more than adequate to deal with the situation, to deal with strikes which the Government considers to be against the interest of the community etc whether we agree with

[Shri Indrajit Gupta]

it or not is a different matter. What I am saying is that these statutes are already there. Why is this introduced here again? Whatever Mr. Shukla may say, I am aware of the fact that there may be occasions when some forces in the country would like to bring about some kind of dislocation or interruption of supplies or something like that. He said that these clauses are meant to deal with misbehaviour of monopoly press. I can assure him that these people who own the monopoly press, big captains of industry, are the last persons in the world who would come within the mischief of this clause, not in their capacity as owners of press but in their industries. This clause will be used. I know it from experience, only to crush the right of workers to go on strike. If you have come to the conclusion that strikes of working class or trade union strikes are to be banned outright, then, say so. So far as I know, certain restrictions have been put under various statutes of course. But the right to strike has not been taken away and we are not going to be a party to take away the right to strike. But this law means that in respect of a perfectly legal, registered trade union, if, under certain circumstances, they decide to go on strike, that trade union is not to be allowed to publish a leaflet. If they want to support that call for strike, they would come immediately within the mischief of the clause. Is not the publication of leaflets a common practice which is done in all trade union activities? Therefore, this is a very dangerous clause in our opinion. There is no need for it at all here. In the other clause you talk about committing of fence against the State or against public tranquility or inciting persons to commit offence or mischief. If you really do not want to crush strikes, but deal with all these things, you can deal with such things by those

other clauses. This specific portion of this clause should be removed. It is not necessary at all when you have other laws which deal precisely with this kind of contingency. The Industrial Disputes Act is there. You have the Essential Supplies and Commodities Act. MISA is there; Defence of India Act and Rules are there; still you are not satisfied with that and even this you must bring in.

And, naturally, we have good ground for suspicion that these District Magistrates and Deputy Secretaries and the like of them who will administer these things will use these to suppress all publications by any trade union in the course of its legal activity and, therefore, we are opposed to it.

SHRI S. M. BANERJEE: Sir, I support my hon. friend, Shri Gupta when he said that lines 15 to 18 should be omitted. He has advanced valuable arguments and forceful arguments as to why we demand omission of this clause.

Yesterday I read the old Ordinance in 1931 when a similar clause was brought in by the then Government which was ruling us. This is the same with an exception of a few changes that have been brought now. It has not been contested by the hon. Minister when we said that. If this is meant to curb the activities of the jute press or the monopoly press, how to do that. As ably put forward by my hon. friend Shri Indrajit Gupta, Shri K. K. Birla and G. D. Birla may be owning monopoly presses. They are actually owning the jute industry and the textile industry. Therefore, this will be a sharp instrument in their hands to crush the genuine trade union activities of the workers. That is our fear. And that is why we have demanded the deletion of this clause. When this act was passed, there was a railway strike that took place. This was used against the workers when the railway

strike took place. Thousands of workers were arrested and thousands were beaten; they were put behind the bar and their families were dragged and many of the workers even committed suicide. Naturally, when there is the Maintenance of Essential Commodities Act that is there; when there is the D.I.R. or the MISA, why this is necessary at all. I do not know that. My fear is this. Though the hon. Minister has assured us that it will not be used against the genuine trade union workers yet it will be used against them only. After all everybody cannot follow what the INTUC does. After the Bonus Ordinance passed by the House becomes law, people will still agitate throughout the country. After all, strike is a genuine democratic right of a worker. The hon. Minister may or may not agree with us. Our experience however is that such legislation can help the monopolists only to crush the workers. Therefore I moved my amendment No. 8 that for the word 'mischief or any other' substitute 'assault or any other similar violent'. The term 'any other offence' is a very vague term. Everything can come under that. If I call you as not impartial, even that will be an offence. If somebody has committed a murder, that is an offence. I can understand that. If it is an assault, that is an offence. This also I can understand. If there is a violence or if somebody or if some press or newspapers create an atmosphere of violence, I can understand that too. But 'any other' is not being defined at all. That is why I want omission of this. Then after line 45, I want an explanation. I want the omission of the words 'or any other member of the Council of Ministers of the Union' and the words 'or the Governor of a State'. I do not know why you want these to be provided here. Sir, when the Prime Minister is moving throughout the country and some people are criticising her and some are applauding her and she is a politician she should be ready to have brickbats and bouquet. Do

you think we are only meant for that and you, Deputy Speaker, be excluded.

MR. DEPUTY-SPEAKER: I will come criticism.

SHRI S. M. BANERJEE: Because you welcome it, that is why you are excluded.

MR. DEPUTY-SPEAKER: I think controversy teaches a person.

SHRI S. M. BANERJEE: I hope your advice will be followed by the President, the Prime Minister and the Vice President. We do not want to give them protection. Then there are governors. There was a CBI report against Mr. Kanungo who was a governor. There are Mr. Sukhadia and Mr. Satya Narayan Sinha. They are not above suspicion. Should we not criticise them? Then there are cabinet ministers, state ministers and deputy ministers. Now, we do not have Parliamentary Secretaries otherwise they would also have been mentioned. Sir, I tell you people will laugh at us. I want the hon. Minister to apply his mind.

Now, Sir, in Explanation IA I want to add:

"Any writings published with a view to bring about a democratic alternative to the present Government shall not be deemed to be objectionable matter within the meaning of this section."

As some hon. Member has just now said even the election manifesto of my party may come under the mischief of this. The manifesto of my party may call for a change in the Government and they may say why the hell you want to change the Government. In that case let there be a permanent Parliament, no elections and nothing of the sort. Only the wives or children of those who die will take over. What is the use of having parliamentary elections. Supposing I

[Shri S. M. Banerjee]

have issued a statement to the Press, I expect the Press to come out with editorials. I am against the press barons who have exploited the workers and the journalists but I am not against the people who take an impartial attitude. Are we going to ban them? I plead that my amendment to the Explanation be accepted by the hon. Minister.

Now, Sir, a word about my amendment No. 17. I want the omission of the words 'or any class'. Sir, I assure you in public and secretly that we will definitely incite a class. We are against the class which exploits the human beings. There will be fight in this country between exploiters and exploited. In Hindi we call it,

पैसा बहाने वालों और पसीना बहाने
वालों की लड़ाई होगी।

This cannot stop. No Bill can stop it. As long as Birla's income is Rs. 20 lacs or 30 lacs a day and those who are serving him get eight annas a day there will be a class. Even Gandhiji said but I will not quote Gandhiji.

I do not want to quote anybody who is not a Member of the House. What is the use of quoting Gandhiji whom we had forgotten. That should be omitted. We are definite that parliamentary democracy is there, we want to see that parliamentary democracy exists in this country, we are all for it and we are committed to it. But in case, we see that the toiling masses are exploited by the other class, we shall definitely annihilate that class, because the working class of the world have nothing to lose by the change but a world to win. That is the manifesto that has brought the red flag in our hands. With that flag we shall move to create a classless society in the world.

SHRI DINEN BHATTACHARYYA: I have moved amendment No. 13. I request you to kindly look into it. They are mixing up things; that is the trick

they are playing. They try to mix up government with the state. Is it not a party system of government here? Every party, every individual has got the right to criticise the government, including the Prime Minister and the Council of Ministers. Here a blanket ban is being imposed by this Bill. They say: hatred or contempt or exciting disaffection towards the government established by law in India. What do they mean by the word 'government'. Do they mean that we have no right to criticise the minister who may be indulging in some corrupt practices. If this Bill is passed, I cannot, because he is part of the government. Why do they take to this method of misleading our people. It is not that Mr. Shukla does not know the distinction between the state and the government. What is his explanation? I know in his reply he will fumble and say that he does not mean it. Shri Indrajit Gupta and Shri S. M. Banerjee have explained the position and I fully share their views. At the same time I want to add what is happening today. No union which belongs to CITU or any opposition party is allowed to print even a leaflet announcing any state of affairs or mere description of the demands of the workers. Press will not accept it and is not accepting it unless the censor okays it. This is happening every day. The other day I was in a factory a big foreign company—Dunlop Company Ltd., a multi-national company. For the last ten years the workers were getting their bonus in the month of January at the rate of 20 per cent. This year taking advantage of the grand philosophy spread by the hon. Prime Minister Shrimati Indira Gandhi after the promulgation of the Ordinance, the company is refusing to pay bonus which the workers were getting for the last ten years. We have no right to issue a leaflet that we demand it. If we do that, the workers are liable under his Bill also to be arrested and prosecuted. Not only the

printer and publisher; if Dinan Bhattacharyya is president of the union and lends his name, he will also be brought under this Bill and he will be convicted.

14.06 hrs.

Sir, this is the position. I would like to mention another important matter in this connection. Once C.I.T.U. wanted to bring out a leaflet as to how a monopolist company was making a huge profit. But the Censor Officer said that we should not publish these things except that we could bring out only the crux of the point and he said, "you could mention only profit and not 'huge'." This is the kind of censor prevailing after Ordinance. The other point that has been mentioned by Mr. Indrajit Gupta and Mr. Banerjee is that apart, we would be facing practical difficulties with regard to this Bill, because we have already got Acts like Industrial Disputes Act, Essential Commodities Act, etc. Thousands of our trade unionists and workers are already suffering in jail, who have been arrested under MISA or D.I.R. Sir, you will be astonished to know that in your State, in the Fertiliser Unit at Namrup, some trade union leaders have been arrested under MISA. Sir, do you know what has happened there? Some INTUC people had gone to the workers and asked them to join the INTUC. But the workers did not do so. Sir, thereupon three union leaders of the same Unit were arrested by the police and they have been detained under M.I.S.A. since then.

MR. DEPUTY-SPEAKER You have already mentioned these points.

SHRI DINAN BHATTACHARYYA Sir, you kindly look into the Bill Under Clause 3 sub-para (iii) is stated as follows;

"(iii) seduce any member of the Armed Forces or the Forces charged with the maintenance of public order"

May I know what is the definition of 'public order'? In 1971 when Shrimati Indira Gandhi was ruling West Bengal through the Governor, at that time armed personnel were sent to West Bengal who conducted combing operations throughout the State and arrested hundreds of people. This created a terror in the area. Now, you are adding here the words 'maintenance of public order'. Why did the army personnel are used for maintaining law and order when police force are already there? Why the army was given the charge of public order. Now the army is sent whenever there is agitation even for economic change and in West Bengal the army was brought when there was a democratic Government. Hence I have asked that "public order" should not be there. Then, I come to amendment No. 16;

Page 3, line 28,—

omit "or against the public tranquillity"

For any damn thing, you may bring a man under its perview. So, I have asked that this should be deleted.

Another point is that you cannot speak against the Prime Minister and her colleagues in the Council of Ministers. Are they all 'supermen'? Cannot they commit any crime? They day in and day out, do something which to me or to anybody seem to be a corrupt practice. Have I got no right to bring it to the notice of the public? Our Government is a party system of Government or a totalitarian system, one party rule. Don't hoodwink the people like your 'Garibi Hatao' programme.

SHRI INDRAJIT GUPTA I only wanted to point out to Amendment No. 5 that this provision, in my opinion, should not be extended to other Members of the Council of Ministers. Why did I say so? Yesterday, when we were discussing the Press

(Parliamentary Proceedings, Immunity) (Repeal of Act) Bill, Mr. Shukla met our argument by saying that the immunity which is enjoyed in this House by Members should not be enjoyed by editors, publishers and other people and they should like any other common citizen, have the courage to face, if necessary, any defamation suit. On the same argument, I am asking, if any member of the Council of Ministers is really defamed by any publication, why should he also not like any other common citizen, resort to defamation proceedings against that publication. He is free to do that. In this particular case, even a Deputy Minister of this Government must be given protection. Why? Why should he be put on such a high pedestal? Even if the Prime Minister is protected which is a matter of debate and controversy, why should every single member of this Council of Ministers, including every Deputy Minister, Minister of State, Cabinet Minister—all be given protection? (Interruptions) If they are defamed, let them, like any other citizen in this country, file a defamation suit against that publication. Mr. Shukla may please tell me what is the logic in this that the Deputy Minister in the Council of Ministers in the Union Government is given this protection, but the Chief Minister in the State is not given this protection. So, according to you, you have a list of priorities, under that, simply by virtue of belonging to the Council of Ministers at New Delhi, even though you are a deputy minister, your status is *ipso facto*, *ex-officio* so much higher than that of a Chief Minister of a big State, that he need not be protected against this defamation, but everybody here must be protected. Why? May I know what is the logic behind this? Your law must have some logic in it also. Therefore, my amendment is that the words "any other members of the Council of Ministers of the Union" must be omitted from here. Let them be courageous enough; if any editor or

publisher defames them—well, if he has really committed defamation, he will really get into trouble let the Minister haul him up in the court and let him file a defamation suit and let the man be properly convicted. I think it is absolutely something which is repugnant and ridiculous. It will make this Council of Ministers a laughing stock in the country.

SHRI VIDYA CHARAN SHUKLA: Sir, before I reply to the debate on these amendments, may I have your indulgence to move an amendment which seeks to correct the printing mistake in Clause 3? At page 3, line 22, after "Force;" we want to insert the word "or". And at page 3, line 35, after "A States;"... (Interruptions)

MR. DEPUTY-SPEAKER: Page 3, clause 3, at line 22, after "Force;" you want to insert the word "or". But "or" is already there. (Interruptions)

SHRI VIDYA CHARAN SHUKLA: There are two "Force" there. So, the second "Forece". (Interruptions)

MR. DEPUTY-SPEAKER: Order, order. I have allowed this as a very special case, because...order, please, just a minute.

SHRI S. M. BANERJEE Yesterday when I was late only by two minutes—and you know that I went to the hospital—you, in your wisdom and in a sense of impartiality, said "I am not going to permit you. You have lost the opportunity." I remind you, Sir, I asked you "Are you going to do the same thing to the Minister?". You said: "Yes" (Interruptions)

MR. DEPUTY-SPEAKER: Order, order. I thoroughly accept what Mr. Banerjee has said. Please; order order. Of course I do accept that position and it is also correct that today, out of oversight or weakness, I had deviated from the commitment that I

made yesterday; but I thought that since this is going to be a very crucial clause—and I listened to the Members very attentively—if the Government would respond to their submissions, it would be in the interests of clause 3 and of the House.

SHRI INDRAJIT GUPTA: To which submission, did you hope that they would respond?

MR. DEPUTY-SPEAKER: They have come forward with certain amendments at the last minute; and just a little while ago, the officer at the Table came to me and consulted me. I could have been mechanical and said; "I cannot allow this because the stage was over."

But I thought that when they are coming at the last moment, they might be doing so in response to the submissions that members have made from this side of the House. I myself am not quite aware of what they are; that is, why I am struggling with them and asking where is this "force" and that sort of thing. I thought that in the larger interests of the discussion, in the larger interests of this clause, even if the Government comes at the last moment, in response to certain submissions you have made, it is my duty to allow them. That is why I have allowed them. I am telling you why I have deviated from my earlier commitment.

Now I can do this only with the permission of the House. I cannot do it of my own; I cannot break my own commitment. But I will also say this, that in case this is allowed, Shri Ram-avata Shastri has given notice of some amendments, which I did not allow him to move. In all fairness, I will have to allow him also.

SHRI VIDYA CHARAN SHUKLA: I beg to move:

Page 3, line 22,—

after "Force;" insert "or" (26)

Page 3, line 35,—

after "a State;" insert "or". (27)

SHRI RAMAVATAR SHASTRI
(Patna): I beg to move:

Page 3, line 30,—

omit "or any other offence" (18)

Page 3, lines 33 and 34,—

omit "the Prime Minister or any other member of the Council of Ministers of the Union." (19)

उपाध्यक्ष जी, मैंने अपने सशोत्रन नं० 14 में मांग की है कि लाइन 16 से 18 तक हटा दी जाए, जिस में यह बात कही गई है :

"incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services; or"

यह बहुत ही आपत्तिजनक है और खास तौर से मजदूरों की जीव में जो काम करते हैं, वे इस धारा को कभी स्वीकार नहीं कर सकते क्योंकि अगर मजदूर अपनी जायज मांगों के लिए भी लड़ाई करेंगे, जायज मांगों के लिए हड़ताल भी करनी पड़ती है और करनी पड़ेगी, तो ऐसी स्थिति में आप कह देंगे कि यह आपत्तिजनक बात है और आप उन के खिलाफ कार्यवाही करेंगे। आप को मालूम है कि पिछले दिनों मंहवाई बहुत ज्यादा आ गई थी और बहुत सी जगहों की तक नहीं मिलती थीं और ऐसी स्थिति आये भी आ सकती है लेकिन अगर उस के खिलाफ मजदूर आन्दोलन करेंगे, मुनाफाखोरी के खिलाफ मजदूर आन्दोलन करेंगे, तो इस धारा के अन्तर्गत कोई न कोई बात कह कर आप उन्हें दंडित करने की कोशिश करेंगे। इसलिये मेरा कहना यह है कि इस धारा की कोई आवश्यकता नहीं थी। अगर भाषा के नाम पर या धर्म के नाम पर केवल बोलने हैं, तो बात समझ में आ सकती है लेकिन इस धारा के अन्तर्गत तमाम किसान, मजदूर और जनता के अन्दर काम करने वालों के अधिकारों को नियंत्रित करने की चेष्टा की गई है और

[जी सवायतार भासी]

उसे स्वीकार नहीं किया था करता। इस में प्रधान मंत्री के दो बार बंसी तक है। प्रधान मिनिस्टर बहुत ही बातें कहते हैं, सारी लोग बहुत ही बातें बोलते हैं किन्तु हम सही नहीं समझ सकते थे। बहुत बड़ा नहीं समझा और भागे भी नहीं समझेंगे। अब कहीं बोजस की लड़ाई होनी तो क्या होगा? प्रधान मंत्री बोनस के खिलाफ अगर बोल देंगी या आप बोल देंगे और हम उसका विरोध करेंगे और कहेंगे कि यह मजदूर विरोधी कदम है तो हमारी बात को छपेगी नहीं और अगर छपेगी तो कानून की गिरफ्त में ले आएंगे और सजा करवा देंगे। आपको इस चीज को राष्ट्रपति और स्पीकर तक ही छोड़ना चाहिये, प्रधान मंत्री और दूसरे मंत्रियों को यह इजाजत नहीं मिलनी चाहिये कि वे आलोचना से बच जाएं, उनके खिलाफ कोई बात न कही जाए और कही जाए तो अक्षबार बजे उसको न छापें और अगर छापते हैं तो उनके खिलाफ कानूनी कार्रवाई की जाये। इससे तो कोई जनतांत्रिक आन्दोलन नहीं चल सकेगा, मजदूर आन्दोलन नहीं चला सकेगा, जायज आलोचना भी लोग नहीं कर सकेंगे। आपको याद होगा कि इमरजेंसी जब लगाई गई थी तब प्रधान मंत्री ने जो पहला भाषण दिया था रेडियों पर उस में उन्होंने कहा था कि अब राष्ट्रीयकरण की बात भागे नहीं होगी। अब आप ही बताएं कि क्या हम इसका समर्थन कर सकते हैं। अगर इस सवाल पर विरोध प्रधान मंत्री का किया जाएगा तो आप कहेंगे कि आपने तो अपराध किया है और आपकी बात छपेगी नहीं और अगर किसी ने छाप दी, किसी अक्षबार ने उसको छाप दिया तो उसके ऊपर आपकी तलवार सटकेगी,

उसका मतलब आप कहेंगे। इस भाषे इस तरह की बात को हम कानून में समाजवादीक उद्देश्यों के विरुद्ध है, मजदूर आन्दोलन के खिलाफ है, मंत्री के विरुद्ध के खिलाफ है, जिन की बात आप करते हैं। आप स्वयं कहते हैं कि किसी मित्र की चाहिये, समाज व्यवस्था बदलनी चाहिये, नई व्यवस्था आनी चाहिये और नई व्यवस्था लाने वालों के ऊपर इन आरोपों से हमसे आप करेंगे। इस वास्ते मैं इस संसदीयों के द्वारा इसका विरोध करता हूँ। फिर एनी अदर आफेंस का क्या मतलब है? इसको आप डिफाइन कीजिये और अगर नहीं करते हैं तो इसको निराला दीजिये। इससे तो आप कुछ न कुछ ऊपर से लगा देंगे, उलटा सीधा करके बसत सही करके लगा देंगे और उसको दंडित कर देंगे। यह ठीक नहीं है। एनी अदर आफेंस भी नहीं रहना चाहिये।

SHRI VIDYA CHARAN SHUKLA:

While moving this Bill for consideration yesterday I had taken care to explain that this was not going to be used and that it cannot be used against the legitimate rights of the workers or the trade union movement.

A specific point has been raised by Shri Gupta and Shri Banerjee, and now Shri Shastri has also expressed a similar fear. May I say that I am aware of the various statutes which govern the essential services etc.? Here, the simple explanation is that this cannot be invoked unless a commodity or service is declared to be essential, and in any case a strike concerning that is illegal. So, it is not that this will be applicable to the trade union movement.

Shri Shastri gave the example of collection of levy. If there is something which disrupts the collection of

levy, grain being an essential commodity, it should definitely be possible and it will be necessary for the Government to see that there is no hindrance in the collection of levy or in the movement of that essential commodity. In any case, if there is incitement to a thing which is illegal, that has to be prevented. So, this is the limited purpose of this particular clause and so, if the hon. Members feel that this is going to be against any legitimate trade union activity, I respectfully submit that that is not correct. Only in such cases where a commodity or service has been declared as essential can this be used. Unless this clause is invoked, it will not come in the way of normal trade union activity.

SHRI INDRAJIT GUPTA: What is there to prevent its being invoked by any official?

SHRI VIDYA CHARAN SHUKLA: It is all defined in the Essential Commodities Act as to what can be declared as an essential commodity or service. And unless a commodity or service is so defined or declared, this clause cannot be invoked for any other normal activity of the trade movement.

I forget to mention the other point made by Prof. Mukherjee. It is quite significant that followers of P.M. should be men and not minion. Now, would it constitute a criticism actionable under this Act or would it be a criticism which will be taken as bonafide. Clearly such criticism will be taken as a bonafide criticism and not a criticism which will be brought within any provision of this Act. This kind of thing can easily be said and should be said in the case of somebody.

MR. DEPUTY-SPEAKER: Who will decide it?

SHRI VIDYA CHARAN SHUKLA: The decision was to be made by the people all over the country, but the

responsibility of the decision will be accepted by us. It is possible for a country like ours to take or centralise the power of decision on one particular person or on two particular persons. Therefore, we have put this power of decision at a fairly high level, not like the powers under Dist. earlier which could be delegated even to the Naib Tehsildar level. Here, it cannot go beyond the level specified.

MR. DEPUTY-SPEAKER: Ultimately the court will decide.

SHRI VIDYA CHARAN SHUKLA: In case the decision of the competent authority or the reporting officer or the first appellate authority is disputed, the court will decide whether the action was right or wrong. Therefore, all legitimate criticism which does not amount to defamation under Section 499 of the IPC will be free and I am sure that the hon. Members who are speaking are not interested in protecting defamatory speeches, and that clause can be invoked in the court of law and that can be used.

Another thing which Mr. Chandrapan was pleased to mention yesterday was that even under this election manifestos will not be passed. I have not yet come across any election manifesto that could be objectionable under any provision of this Act. If the election manifesto of any party says that the Government has committed the following wrongs and therefore this Government should be removed, that is perfectly a legitimate action.

SHRI C. K. CHANDRAPAN (Tellicherry): I meant disaffection towards the Government.

SHRI VIDYA CHARAN SHUKLA: Not necessarily. This is a legal term which is defined by the Court or by various institutions. It is not a dictionary meaning of the disaffection that I am referring, it is the legal meaning

[Shri Vidya Charan Shukla]

of disaffection which has been defined by the court and which does not really include the critical speeches, etc. If you see the first proviso and the second proviso of this Act where we have defined objectionable matters, you will find that all these things are allowed which you seek to include in the election manifesto.

(Interruptions)

SHRI S. M. BANERJEE: He should tell us what should be given and what should not be given.

(Interruptions)

It will be censored, I am sure....

(Interruptions)

Will the censor officer censor it? I hope....

(Interruptions)

SHRI SOMNATH CHATTERJEE (Burdwan): Your hope is not....

(Interruptions)

SHRI VIDYA CHARAN SHUKLA: I can assure that the election manifesto will not be censored.

(Interruptions)

Recently, elections were held in the Gujarat State for the Municipal Corporation and the District panchayats. For that election, various election manifestos were issued and none of them was censored—neither the manifestos of the Ruling Morcha nor our own.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Is that by grace?

(Interruptions)

SHRI VIDYA CHARAN SHUKLA: Under the law. If it has contained anything prejudicial to the law, then, of course, that would have been censored. But since it did not contain

anything, and any normal election manifesto will not contain any such matter, therefore this kind of fear that election manifesto would be censored is not well-founded. And even the example given by Mr. Chandrappan gives me an opportunity to clarify this matter that this kind of legitimate political activities of the Opposition will not be affected by any provision of this law.

About public order. Mr. Dinan Bhattacharyya was asking me to define "public order". Public order is well-defined. So, I do not have to take the time of the House on that.

SHRI SOMNATH CHATTERJEE: Where is it defined?

SHRI VIDYA CHARAN SHUKLA: It is defined in various case laws.

Then, Mr. Indrajit Gupta was rather exercised about the protection which has been given to the various office holders. He has moved an amendment which says:

omit "or any other member of the Council of Ministers of the Union."

He does not object to keeping the words:

"are defamatory of the President of India, the Vice-President of India, the Prime Minister, the Speaker of the House of the People or the Governor of a State;"

I would be willing to accept the amendment and omit these words, "any other member of the Council of Ministers of the Union".

SHRI DINEN BHATTACHARYYA: Including the Prime Minister?

SHRI VIDYA CHARAN SHUKLA: I would clarify what I am willing to accept. There is amendment No. 5 moved by Shri Indrajit Gupta. It says:

Page 3, lines 33 and 34

omit "or any other member of the Council of Ministers of the Union."

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): The word "or" must remain.

SHRI VIDYA CHARAN SHUKLA: The word "or" will remain. The word "or" is necessary for the continuation of the sentence.

SHRI S. M. BANERJEE: You have accepted Mr. Indrajit Gupta's amendment. Why not you accept another amendment of mine, Amendment No. 10, that is, to omit "or the Governor of a State"?

SHRI VIDYA CHARAN SHUKLA: I have made our position clear with regard to these amendments. I hope, the hon. Members will find it satisfactory.

SHRI INDRAJIT GUPTA: Why have you left out the Chief Ministers of the States?

SHRI VIDYA CHARAN SHUKLA: I want to clearly state that we have not included the Chief Ministers or the Ministers of the States because the State Legislatures are competent to enact a legislation of this kind if they so think fit. We did not want to do this. If the State Legislatures want to give this kind of immunity ...

SHRI DINEN BHATTACHARYYA: Why have you included State Governor?

SHRI VIDYA CHARAN SHUKLA: The State Governor is not under that ambit. If the State Legislatures in their wisdom want to enact a law of this kind, they can do so. We did not want to do that. We do not want to enact anything like that for the State Council of Ministers. It is for the State Legislatures to do if they want.

SHRI DINEN BHATTACHARYYA: About my amendment, regarding the

distinction between the State and the Government, you have mixed up the both.

SHRI VIDYA CHARAN SHUKLA: Your views are before the House; my views are before the House. It is for the House to decide.

MR. DEPUTY-SPEAKER: There is Amendment No. 5 to Clause 3 moved by Shri Indrajit Gupta.

SHRI VIDYA CHARAN SHUKLA: My amendment is that the word 'or' should be retained so that the continuity of the sentence is maintained.

MR. DEPUTY-SPEAKER: I think I should put this amendment first to the House with this modification that the word 'or' should not be included in the words to be deleted.

Now, the question is:

omit "any other member of the Council of Ministers of the Union". (5, as modified).

The motion was adopted.

MR. DEPUTY-SPEAKER: Then, there are two other amendments moved by Shri Shukla which, I presume will be accepted. Therefore, I will put them to the House.

SHRI SOMNATH CHATTERJEE: I want to speak on it.

MR. DEPUTY-SPEAKER: No, speaking is over.

(Interruptions)

SHRI SOMNATH CHATTERJEE: This is moving an amendment and I want to speak on it.

SHRI DINEN BHATTACHARYYA: Has he no right to speak?

MR. DEPUTY-SPEAKER: Not on the amendment.

SHRI INDRAJIT GUPTA: At the proper stage, the amendment was not there.

MR. DEPUTY-SPEAKER: I don't understand all this confusion. Will you kindly sit down?

SHRI INDRAJIT GUPTA: This has been brought verbally by him later on.

MR. DEPUTY-SPEAKER: I don't understand it; we have had so much discussion.

SHRI S. M. BANERJEE: On a non-existent amendment?

MR. DEPUTY-SPEAKER: Will you kindly listen to me for two minutes? We had a discussion on this. When the Minister sought my permission to move these amendments, I allowed him and I gave the reason. Mr. Banerjee pointed to the observation I made yesterday that after the stage is over I would not allow anybody, and I own that here, tactically I made a mistake, and then I took the consent of the House; they agreed and I went out of the way and allowed Shri Ramavatar Shastri also to move his amendment and to speak. Now the speaking stage is over and we have reached the stage of putting the amendments to the House. I hope I have made myself clear.

Now, the question is:

Page 3, line 22,—
after "Force;"
insert "or" (26)

Page 3, line 35,—
"after "a State;"
insert "or" (27)

The motion was adopted.

MR. DEPUTY-SPEAKER: Now the rest of the amendments. Does any Hon. Member want particular amendments to be put specifically?

SHRI INDRAJIT GUPTA: Yes, amendment No. 2.

SHRI DINEN BHATTACHARYA: Also Nos. 13 and 14.

MR. DEPUTY-SPEAKER: So these amendments are to be put separately.

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 2 to Clause 3, moved by Shri Indrajit Gupta, to the vote of the House. The question is:

"Page 3,—

omit lines 16 to 18." (2)

Let the lobby be cleared.

The Lok Sabha divided:

Division No. 11] [14 46 hrs.

AYES

Banerjee, Shri S. M.
Bhattacharyya, Shri Dinan
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
*Chaudhuri, Shri Tridib
Chowhan, Shri Bharat Singh
Deshpande, Shrimati Roza
Gowder, Shri J. Matha
Gupta, Shri Indrajit
Halder, Shri Madhuryya
Halder, Shri Krishna Candra
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Kathamuthu, Shri M.
Krishnan, Shri M. K.
Kiruttinan, Shri Tha

*He voted by mistake from a wrong seat and later informed the Speaker accordingly.

"Madhuakar", Shri K. M.
 Mavalankar, Shri P. G.
 Modak, Shri Bijoy
 Mukerjee, Shri H. N.
 Mukherjee, Shri Saroj
 Parmar, Shri Bhaljibhai
 Patel, Kumari Maniben
 Patel, Shri H. M.
 Roy, Dr. Saradish
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 *Shastri, Shri Ramavatar
 Shastri, Shri Shiv Kumar
 Singh, Shri D. N.
 Sinha, Shri Satyendra Narayan
 Vijay Pal Singh, Shri
 Yadav, Shri Shiv Shanker Prasad

NOES

Aga, Shri Syed Ahmed
 Ambesh, Shri
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barupal, Shri Panna Lal
 Basumatari, Shri D.
 Bhagat, Shri H. K. L.
 Bhattacharyya, Shri Chapalendu
 Chakleshwar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrika Prasad, Shri
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai

Chhotey Lal, Shri
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Dharanagaj Singh, Shri
 Dhillon, Dr. G. S.
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Ganesh, Shri K. R.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.
 Gavit, Shri T. H.
 Gill, Shri Mohinder Singh
 Godara, Shri Mani Ram
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hari Singh, Shri
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Kadam, Shri J. G.
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kakodkar, Shri Purushottam
 Kamakshaiah, Shri D.
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kavde, Shri B. R.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kureel, Shri B. N.
 Lakshminarayanan, Shri M. R.

*He voted by mistake from a wrong seat and later informed the Speaker accordingly.

219	<i>Res. and Prevention of Publication of Objectionable Matter Bill</i>	JANUARY 29, 1976	<i>Res. and Prevention of Publication of Objectionable Matter Bill</i>	220
Lambodar Baliyar, Shri			Ram Surat Prasad, Shri	
Lutfal Haque, Shri			Ranabahadur Singh, Shri	
Mahajan, Shri Vikram			Rao, Shrimati B. Radhabai A.	
Majhi, Shri Kumar			Rao, Shri K. Narayana	
Malhotra, Shri Inder J.			Rao, Shri M. Satyanarayan	
Mandal, Shri Jagdish Narain			Rao, Shri P. Ankineedu Prasada	
Mandal, Shri Yamuna Prasad			Rathia, Shri Umed Singh	
Manhar, Shri Bhagatram			Ray, Shrimati Maya	
Mirdha, Shri Nathu Ram			Reddy, Shri K. Ramakrishna	
Mishra, Shri G. S.			Reddy, Shri P. Ganga	
Mishra, Shri Jagannath			Reddy, Shri Sidram	
Modi, Shri Shrikishan			Richhariya, Dr. Govind Das	
Mohapatra, Shri Shyam Sunder			Saini, Shri Mulki Raj	
Mohsin, Shri F. H.			Samanta, Shri S. C.	
Munsi, Shri Priya Ranjan Das			Sanghi, Shri N. K.	
Murmu, Shri Yogesh Chandra			Sankata Prasad, Dr.	
Negi, Shri Pratap Singh			Sarkar, Shri Sakti Kumar	
Oraon, Shri Kartik			Sathe, Shri Vasant	
Oraon, Shri Tuna			Satpathy, Shri Devendra	
Palodkar, Shri Manikrao			Savitri Shyam, Shrimati	
Pandey, Shri Narsingh Narain			Sayeed, Shri P. M.	
Pandey, Shri R. S.			Sethi, Shri Arjun	
Pandit, Shri S. T.			Shailani, Shri Chandra	
Paokaj Haokip, Shri			Shankaranand, Shri B.	
Patel, Shri Arvind M.			Sharma, Shri Nawal Kishore	
Patel, Shri Natwarlal			Shastri, Shri Biswanarayan	
Patel, Shri Prabhudas			Shastri, Shri Sheopujan	
Patil, Shri E. V. Vikhe			Shetty, Shri K. K.	
Patil, Shri Krishnarao			Shivnath Singh, Shri	
Patil, Shri T. A.			Shukla, Shri B. R.	
Patnaik, Shri Banamali			Shukla, Shri Vidya Charan	
Peje, Shri S. L.			Sinha, Shri Dharam Bir	
Pradhani, Shri K.			Sinha, Shri R. K.	
Raghu Ramaiah, Shri K.			Sohan Lal, Shri T.	
Rai, Shri S. K.			Sokhi, Sardar Swaran Singh	
Rai Shrimati Sahodrabai			Suryanarayana, Shri K.	
Ram, Shri Tulmohan			Swaminathan, Shri R. V.	
Ram Dayal, Shri			Swamy, Shri Sidrameshwar	
			Tayyab Hussain, Shri	
			Tiwari, Shri Chandra Bhal Mani	

Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tulsiram, Shri V.
Uikey, Shri M. G.
Vikal, Shri Ram Candra
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: The
result* of the division is: Ayes 35;
Noes 148.

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall
now put Amendment No. 11 to Clause
3, moved by Shri S. M. Banerjee, to
the vote of the House.

*Amendment No. 11 was put and
negatived.*

MR. DEPUTY-SPEAKER: I shall
now put Amendment No. 13, moved by
Shri Dinem Bhattacharyya, to the vote
of the House. The question is:

"Page 3,—

for lines 13 to 15, substitute,—

"towards the State; or" (13)

The Lok Sabha divided

AYES

Division No. 12] 14.49 hrs.

Banerjee, Shri S. M.
Bhattacharyya, Shri Dinem
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib
Chowhan, Shri Bharat Singh

Deshpande, Shrimati Roza
Gowder, Shri J. Matha
Gupta, Shri Indrajit
Halder, Shri Madhuryya
Haider, Shri Krishna Chandra

Hazra, Shri Manoranjan
Joarder, Shri Dinesh

Kathamuthu, Shri M.
Krishnan, Shri M. K.
Kiruttinan, Shri Tha

"Madhukar", Shri K. M.
Mavalankar, Shri P. G.

Modak, Shri Bijoy
Mukherjee, Shri H. N.
Mukherjee, Shri Saroj

Nayak, Shri Baksi

Parmar, Shri Bhaljibhai
Patel, Kumari Maniben
Patel, Shri H. M.

Roy, Dr Saradish

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Shastri, Shri Ramavatar

Shastri, Shri Shiv Kumar

Singh, Shri D. N.

Sinha, Shri Satyendra Narayan

Vijay Pal Singh, Shri

Yadav, Shri Shiv Shankar Prasad

NOES

Aga, Shri Syed Ahmed
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Appalaaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry

*Shri Dharnidhar Das also recorded his vote for 'NOES.'

Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishnaiah, Shri T.
 Banamali Babu, Shri
 Banera, Shri Hamendra Singh
 Banerjee, Shrimati Mukul
 Barman, Shri R. N.
 Barupal, Shri Panna Lal
 Basumatari, Shri D
 Bhagat, Shri H. K. L.
 Bhattacharyya, Shri Chapalendu
 Chakleshwar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrika Prasad, Shri
 Chaudhary, Shri Nitiraj Singh
 Chhotey Lal, Shri
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tulsidas
 Dharamgaj Singh, Shri
 Dhillon, Dr G S
 Dixit, Shri G C.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Ganesh, Shri K R
 Garcha, Shri Devinder Singh
 Gautam, Shri C D
 Gavit, Shri T. H.
 Gill, Shri Mohinder Singh
 Godara, Shri Mani Ram
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hari Singh, Shri
 Jamilurrahman, Shri Md.

Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Kadam, Shri J. G.
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kakodkar, Shri Purushottam
 Kamakshaiiah, Shri D.
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kavde, Shri B. R.
 Kinder Lal, Shri
 Klisku, Shri A K.
 Kotoki, Shri Liladhar
 Kureel, Shri B. N.
 Lakshminarayanan, Shri M R.
 Lambodar Baliyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Majhi, Shri Kumer
 Malhotra, Shri Inder J.
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F H
 Munsi, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Negi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandit, Shri S T
 Paokai Haokip, Shri
 Patel, Shri Arvind M.

Patel, Shri Natarajal
Patel, Shri Prabhudas
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri T. A.
Patnaik, Shri Banamali
Peje, Shri S. L.
Pradhani, Shri K.

Raghu Ramaiah, Shri K.
Rai Shrimati Sahodrabai
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Surat Prasad, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri K. Narayana
Rao, Shri M. Satyanarayana
Rao, Shri P. Ankineedu Prasada
Rathia, Shri Umed Singh
Ray, Shrimati Maya
Reddy, Shri K. Ramakrishna
Reddy, Shri P. Ganga
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sankata Prasad, Dr.
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Satpathy, Shri Devendra
Savitri Shyam, Shrimati
Sethi, Shri Arjun
Shailani, Shri Chandra
Shankaranand, Shri B.
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan

Shetty, Shri K. K.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Tayyab Hussain, Shri
Tiwari, Shri Chandra Bhal Mani
Tiwary, Shri D. N.
Tombi Singh Shri N.
Tulsiram, Shri V.
Uikey, Shri M. G.
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes 38; Noes 141.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now I put all the other amendments to clause 3 to the vote of the House.

Amendments Nos. 6, 10 & 15 to 19 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted

*The following Members also recorded their votes for 'NOES':

Sarvshri P. M. Sayeed, Nawal Kishore Sharma, Ram Chandra Vikal and S. K. Rai

Clause 3, as amended, was added to the Bill

MR. DEPUTY-SPEAKER: Clauses 4 to 7—no amendments. The question is—

"That clauses 4 to 7 stand part of the Bill."

The motion was adopted

Clauses 4 to 7 were added to the Bill

Clause 8—(Power to control Pre-judicial Publications.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 44—

for "twenty-one" substitute "thirty" (20)

उपाध्यक्ष जी, धार्मिकजनक जीके छापने के अपराध में अगर सरकार या इस के अधिकारी किसी सम्पत्ति पत्र के मालिकप्रेस के मालिक, सम्पादक और प्रकाशक से जमानत रखव करेगे, नई जमानत या पुश्तानी जमानत जब्त हो जाने के बाद दोबारा जमानत मांगेगे, तो इस के लिये यह प्रावधान रखा गया है कि 21 दिन के अन्दर उन्हे जमानत की राशि जमा कर देनी चाहिये। इस के लिये 21 दिन का समय निर्धारित किया गया है। मेरे सम्बोधन का आशय है कि अगर 21 दिन की जगह 30 दिन कर दीजिये, एक महीना कर दीजिये, ताकि अगर छोटे छोटे छखबारवाले कानून की गिरफ्त में आ जाय और उन्हे जमानत की राशि जमा कराना पड़े, चाहे वे मजदूर क मालिक हों, सम्पादक हों या प्रकाशक हों, जिस से भी जमानत मांगी जाये, तो उन का श्रेष्ठ समय मिलना चाहिये ताकि वे पैस का बन्दोबस्त कर सकें। यदि आप 9 दिन और ज्यादा बढ़ा देंगे, 21 से 30 दिन कर देंगे तो इस से आसमान नहीं टट पड़ेगा, बल्कि दूसरी तरफ इस से गरीब या आर्थिक रूप में कमजोर समाचार-

पत्र को, प्रेस को, यह मौक़ा मिल जायेगा कि वह पैस की व्यवस्था कर सके।

मैंने एक महीने की बात इस लिये भी की है घाने वाले दिनों में आप सर्वत्र लीड सोलिंग बिल पर विचार करें। उस में भी कुछ तरह इस की व्यवस्था है कि उल्ल का मालिक उतने दिनों के अन्दर रिटर्न दाखिल नहीं करेगा तो उस के खिलाफ कार्यवाही की जायेगी— उस में आप ने 30 दिन का समय रखा है। जब आप दूसरे कानूनों में 30 दिन की व्यवस्था रखते हैं तो फिर आप को इस में 30 दिन की व्यवस्था रखने में क्या मतरत है। इसलिये मैं मनी महोदय से निवेदन करता चाहता हू कि, आपने भी कई मेरे सम्बोधन है जो इसी तरह के हैं इसलिये एक बार ही निवेदन करना चाहता हू, जहाँ जहाँ भी 21 दिन कि जिक्र है वहाँ 30 दिन का जिक्र कर दीजिये ताकि सब को फायदा हो जो भी सम्पादक पत्र निकालने वाले हैं, चाहे सम्पादक हों, प्रकाशक हों या प्रेस के मालिक हों, सब को सहनियत हों। मैं यहाँ बड़े प्रेस वाला को बात नहीं कर रहा हू, बल्कि छोटे छोटे जो बहुत सारे पत्र, पत्रिकाये हैं, दैनिक, पत्रिका साप्ताहिक या मासिक, उन सब को यह सुविधा मिलेगी। इसलिये मेरा निवेदन है कि आप छोटे की बात करते हैं तो छोटे की बात मान लीजिये।

SHRI VIDYA CHARAN SHUKLA. May I say that this makes no difference to a person whether the time for giving security is 21 days or 30 days, 21 days is, in my opinion, absolutely sufficient and, therefore, this amendment is not acceptable to me.. (Interruptions)

MR. DEPUTY-SPEAKER: Order please. Mr. Ramavatar Shastri, why don't you allow me to do my duty now? The difficulty is that he is both

a Ram and an Avatar and on the top of it a Shastri. Now, the question is

Now, I will put amendment No. 20 to clause 8 to vote.

Amendment No 20 was put and negatived.

MR. DEPUTY-SPEAKER: Now, the question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9— (Power to forfeit security or demand further security from Presses.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 11,—
for "twenty-one" substitute
"thirty". (21)

MR. DEPUTY-SPEAKER: I will put the amendment to vote.

Amendment No 21 was put and negatived.

MR. DEPUTY-SPEAKER Now, the question is:

"That clause 9 stand part of the Bill"

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 was added to the Bill.

Clause 11— (Power to demand security from publishers of newspapers and news-sheets in certain cases.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 47,—
for "twenty-one" substitute
"thirty". (22)

MR. DEPUTY-SPEAKER: I will put his amendment to vote.

Amendment No. 22 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill—

Clause 12— (Power to forfeit security or demand further security from publishers of newspapers and news-sheets.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 7, lines 11 and 12,—
for "twenty-one" substitute
"thirty". (23)

MR. DEPUTY-SPEAKER: I will now put the amendment of Shri Ramavatar Shastri to vote.

Amendment No. 23 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clause 14— (Power to demand security from editors of newspapers and news-sheets in certain cases.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 8, line 6,—
for "twenty-one" substitute
"thirty". (24)

MR. DEPUTY-SPEAKER: I will now put amendment No. 24 of Shri Ramavatar Shastri to vote.

Amendment No. 24 was put and negatived.

MR. DEPUTY-SPEAKER: Now, the question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15- (Power to forfeit security or demand further security from editors of newspapers and news-sheets.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 8, lines 21 and 22,—
for "twenty-one" substitute
"thirty". (25)

MR. DEPUTY-SPEAKER: I will put amendment No. 25 of Shri Ramavatar Shastri to vote.

Amendment No. 25 was put and negatived.

MR. DEPUTY-SPEAKER: Now, the question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 16 to 41, Clause 1, the Enacting Formula and the Title, stand part of the Bill."

The motion was adopted.

Clauses 16 to 41, Clause 1, the Enacting Formula, and the Title, were added to the Bill

SHRI VIDYA CHARAN SHUKLA: I beg to move:

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

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill, as amended be passed."

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Deputy-Speaker, Sir, free expression of opinion is the life-blood of any free and healthy democracy. Genuine democracy thrives on the free flow of opinions and even conflicting opinions. The democrats, who fought for India's freedom, because of their deep seated convictions, incorporated into our Constitution under Article 19, the seven freedoms. These were headed by Article 19(1)(a)—Freedom of Speech and Expression. I am sad to say that the Minister has now come forward under the cloak of internal emergency in the country and in the Parliament to suppress and eliminate these seven freedoms—the leader of which I said just now is the Freedom of Speech and Expression.

John Stuart Mill, in the 19th Century, in his memorable classic "On Liberty", wrote about the value of Freedom of Speech and Expression. I quote:

"Persons of genius are, and are always likely to be, a small minority; but in order to have them, it is necessary to preserve the soil in which they grow. Genius can only breathe freely atmosphere of freedom. Genius should be allowed to unfold itself freely both in thought and in practice".

(interruptions)

I am sorry my friend does not understand what John Stuart Mill says, he is incapable of it and that is why he is interrupting. I do not want to reply to such a useless interruption.

Now, Sir, the ideas of John Stuart Mill on liberty have been writ large on the pages of our Constitution. They are further strengthened by an equally powerful statement on the subject

from no less a person than a very eminent Jurist of the United States of America—Justice Holmes. Justice Holmes says:

"If there is any principle of the Constitution that more imperatively calls for attention than any other, it is the principle of free thought, not free thought for those who agree with us, but freedom for the thought that we hate."

So, this has been the philosophy of men like John Stuart Mill and Justice Holmes and that philosophy has been written in our Constitution. But I am sorry to find that Mr. Shukla and the Government in their wisdom thought it fit to bring forward this Bill and thereby make nonsense of Freedom of Speech and Freedom of Expression.

Shri Vidya Charan Shukla says that this is democracy. I do not accept it. But, assuming for the sake of argument that it is so, then I maintain that it is the fundamental right of every citizen to know everything about public affairs and the citizen has a further right to be informed about various public issues in a democracy. The objection, therefore, is that this Bill restricts the rightful scope of free press. Look at the Minister's own statement. I have no time to go into the details at this stage. I am on the principle of the Bill. If you look at the statement of the Minister, Sir, you will find in the last paragraph as under:

"The main purpose of the Ordinance was to prevent the use of the Press for encouragement of violence, sedition and other offences and for the publication of obscene or scurrilous matter and the definition of 'objectionable matter as' been strictly confined to his purpose."

15 hrs.

When he says violence scurrilous matter, etc. I am with him 100 per cent. because we want to change the Government through legitimate means.

Election is a legitimate means for that. One of the eminent British historians, Sir John Seeley, has said that "A General Election is a kind of peaceful Revolution." But that peaceful revolution takes place only when there is an atmosphere of free thought and discussion and free expression of views. If what I say here cannot be understood and read and re-read and pondered over by millions of my countrymen, then how am I going to contribute to the revolution, peaceful revolution, which has to be brought through the ballot box in the general elections? Therefore, regarding violence, obscene matters etc. I do agree with him, that we should not do anything which will encourage these things. But regarding disaffection, it is a dangerous and misleading phrase. He may say all dissent is objectionable and therefore it should be destroyed. The Minister said that he is not using the word in the dictionary sense but in its legal connotation as provided by case law. By taking excuse of this term 'disaffection', he is introducing so many new things into this Bill. This is my point of objection. I will not go into the details my esteemed friend Prof. Hire, Mukerjee and other hon. Members have argued on this point. On page 3, the 'objectionable matter' is mentioned. 'Objectinable matter' is mentioned as 'exciting disaffection'. He says he is using 'disaffection' not in the dictionary meaning, but as a legal term. But then I wish to ask him one thing in all humility and in all earnestness. Even if one takes the legal meaning of the word disaffection and the case law which has been built round this word throughout the democratic world, then, can the Minister come and say that these new things could be incorporated in this Bill, as is being done here? I ask: Which will be less than or more than disaffection? What he is doing in this Bill is this. Under the excuse of disaffection, he is putting a number of other things. In a democracy, there has to be legitimate expression

[Shri P. G. Mavalankar]

of views, no matter whether one is in a majority or in a minority, even a minority of one! He has the right to express his views. But by this term "disaffection", he has taken advantage of this term—Government are now—to introducing a number of other things which are not at all called for.

Then, again, look at what the Minister says. 'Bring into hatred or contempt, or excite disaffection towards the Government established by law in India or in any State thereof.' Now I ask, since the Bill is going to be passed in a few minutes, as I am sure it will be, what is the position in a State like Gujarat where there is functioning a popularly elected Government at the time of recent Assembly Elections? You may not like it, I may not like some of its points and policies, but that is not the point. The Minister comes there—to Ahmedabad and elsewhere in Gujarat—personally, and his ministerial colleagues also come in and go from there, talking against the legitimate Government in Gujarat. The new Minister, our former Speaker, Dr. Dhillon, also came to Ahmedabad recently, although he did not make a political speech there. All of them are doing exactly what he wants us not to do against the Central Government! The Bill says clearly, 'Government established by law in India or in any State thereof.' If it is not right to remove Government at the Central level, how is it right to remove the State Government which is legally established through election in Gujarat or in Tamilnadu or wherever it may be? I am speaking irrespective of party politics. I am making points on the consideration of the definition which the Minister himself had given. Moreover, regarding the Explanation No 1 in the Bill, on page 3, who is to decide? Where is the guarantee that this will be im-

plemented honestly by various officers at the level of Deputy Secretaries, Magistrates, etc.? Who is to define objectionable things and sedition?

Sir, we have lived in this country, in this century, where two eminently tall people lived, not to talk of other equally great people, but I am talking of the two tallest leaders—Lokamanya Bal Gangadhar Tilak and Mahatma Gandhi. A person like me at this comparatively young age has had the rare privilege of knowing, talking, and writing personally to Mahatma Gandhi. They are particularly to be mentioned when I am talking about the freedom of the press. I had, of course, not the privilege of seeing Lokamanya Bal Gangadhar Tilak, but I have had the privilege of reading innumerable articles by him in his Marathi language newspaper *Kesari* and in the English language paper *The Maratha*, both of which he founded and edited. The British Government said that what he was writing in *Kesari* and *The Maratha* was seditious and he was sentenced to life imprisonment. I remember reading his historic words, spoken at that time. He said to the court something like this: 'Although the jury here has pronounced me as guilty, I maintain that there is a higher jury sitting above, in whose court I am completely innocent.'

Why do you want, I ask my hon. friend the Minister, us to remember those bad old days of the British regime—and the same bad old days are now being repeated under the cloak of "internal emergency," and under the umbrella of excessive powers for Government! The Government having once acquired vast powers is now unwilling to give it up. It wants more powers. The point is that the Government—in fact any Government on the earth—wants more and more powers, because it has

tasted vast powers. They want more and more powers of course, but how can the free citizens in a democracy allow this to happen? Mahatma Gandhi always used to make a distinction between opposing the Government and opposing the State. Lokmanya Tilak did the same. Opposing the Government is not to be equated with opposing the State. Sedition is a right, if it means opposing the Government. If opposing the Government is called 'sedition', then I would, in all humility, say that it is a legitimate democratic right of a citizen to perform the duty of opposing the Government of the day, if that Government needs to be opposed. I myself have been a writer and columnist in several newspapers. I have been editing three journals—the Gujarati Weekly "NIRIKSHAK", the Hindi monthly "Rashtra Veena" and the Gujarati monthly 'Abhyas'. I had to stop the monthly "Abhyas" because I could not afford the deficit. But my friends and I are continuing to edit the other two. We never write in a violent way; we never write in demagogic terms. Democracy does not mean demagoguery. Democracy does not mean inciting or exciting people. So even if you put in some things by way of objectionable matter in the Bill, we shall never be completely thwarted, because we write with a sense of freedom and responsibility.

By this measure, the Press is being restrained and strangled and cornered from all sides. This does not augur well for the Government and for our democratic republic. I would end with one last quotation as it is very relevant to what I say and it is extremely eloquent. Sir, the Press is being gagged and strangled from all sides. Why should this happen, especially when the Government, particularly, the Prime Minister herself referred to the Bicentenary of American Independence

in July this year and she even paid compliments to the American people, while speaking by way of reply to the Motion of Thanks on the President's Address on 9th January in our House? This was what Mr. Thomas Jefferson, the great President, had to say—and we all know how he contributed substantially and significantly to the drafting of the Declaration of Independence of the United States—about the value of the free Press. Thomas Jefferson, in his First Inaugural Address as President of the United States had this to say and I quote:

"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

Therefore, my conclusion is this: The freedom of the Press is being curbed by this Government by this measure. May I say that by this Bill, Government are destroying the Free Press? Dissent and non-conformism are sought to be punished, nay eliminated by this Bill. This is the danger, and therefore, my opposition to it. Let me, then, conclude by urging that a Free Press stands, like a rock, as one of the surest and mightiest interpreters between the Government and the people. To allow it to be fettered and finished is to fetter and finish ourselves!

SHRI SOMNATH CHATTERJEE
(Burdwan). Mr. Deputy-Speaker, Sir, it is another sad day that the Parliament of Free India is taking away one of the remnants of the freedom which the people of the country had. We are including in our statute book another lawless law and infamous act—one of the most anti-democratic methods which this Government has evolved. Sir, this measure along with

[Shri Somnath Chatterjee]

others is a clear indication that this Government is really afraid of—what they are really afraid of—is the freedom of the people; they do not want free people in this country. That is why they have taken away their freedom of personal liberty; they have taken away their freedom of speech; they have taken away the freedom to form an association, they have taken away the freedom to assemble in peaceful ways. Now, in the name of the so-called stopping of disaffection, they are taking away the last freedom of expression, through which only the people of this country can be educated.

Sir, this Government will go down in history as having been responsible for liquidating the cherished principles of democratic rights and democratic norms.

Sir, having not been satisfied with this, they are now taking away the rights of the people of the country under Art. 19. And their fundamental rights are not exercisable now; they have taken away the right to equality. Article 14 has been taken away. Article 21 has been taken away. I can be detained without any protection. Only last week this House had passed another infamous law called MISA. Who are the targets? The targets are the common people and the workers. The workers cannot go on strike. They cannot claim additional bonus. They cannot ask for subsistence living wage and if they do so and you declare some services as essential services then their voice is completely throttled. What are we told: We are told that this is the only way the common people of this country can be dealt with, that is, to apply the danda. Solemnly it is said on the floor of the House. We know that you are utilising it liberally. This is the way this Government wants to behave. If the people are with you—as you try to portray—then why are you afraid of the people. Why do you

want them to be slaves? It is because you are not sure of the people support; that is why you want muzzle people. I submit that this measure is nothing but an attempt to denude the people of their rights and to create and continue a feeling of terrorisation and fear psychosis in the minds of the people. If you open your mouth you are liable to be detained under MISA. If you write something which is not palatable to the establishment then also you are liable to be sent to jail, the press is liable to be seized and penalty is liable to be imposed.

Sir, whenever people want to exercise their minimal rights of freedom they are being abused of supposedly indulging into licence. Sir, not a single illustration has been given as to the issues which had been raised on the floor of the House which were not properly raised. If we try to expose a corrupt Minister or a corrupt official or a corrupt Member of Parliament you say it is character assassination. If we want to say that moneys have been taken from the State Bank of India vaults without any explanation that is character assassination. Pondicherry licence scandal is a character assassination. Wonderful. Whenever there is a pitfall or whenever the Government is not functioning properly or the executive does not behave properly or whenever the Ministers are not able to account for their actions and whenever we try to project the same in the House for proper explanation and enquiry and investigation you ascribe to it political motives and say that it is character assassination. Once I find and genuinely believe for good reasons that Mr. X is a corrupt person and if I say that, have I any right to say that? Where shall I go for investigation and adjudication. Parliament is not appointing committees. Let parliamentary committees be appointed. What is to be done? It is very easy to say and to castigate any demand for any reasonable investigation and any attempt to make proper exposure to

characterise them as character assassination. If 'A' says somebody is doing something wrongful which you do not like then you say the press is indulging into objectionable behaviour.

Sir, they are trying to create a privileged class in this country purportedly to be in the name of the people of this country. They are creating a privileged class. The President of India, the Vice-President of India, the Prime Minister of India and the Speaker of the House of the People and the Council of Ministers is thought to be above all laws. Probably they could not swallow it too much and much longer. They are being put above the law. Their elections cannot be challenged. They are being put on a higher pedestal than the ordinary citizen of the country. After all they are holding elective posts and they have to account themselves to the people of this country. Are you not creating vested interests? Another constitutional amendment has been made that a person who has ever been the Prime Minister will never be guilty of any crime. The other House has passed it.

SHRI N. K. P. SALVE (Betul):
Guilty of any crime?

SHRI SOMNATH CHATTERJEE:
This is your law. You do not know, Mr. Salve. This is the attempt which is being made. That person will not be guilty of any crime. The crime will be washed away.

This Government is creating a privileged class. The result is very simple, because the Congress President says that one individual is the country today. This is the necessary concept, consequence of that concept which you are adumbrating over the country. You equate somebody with the country. This will necessarily follow it because he or she cannot be touched. Just to give some company, you are bringing in the President, the Vice-President and the Speaker. This is the position which has arisen.

I submit this Bill is nothing but an attempt to direct regimentation and create hegemony of a particular ruling party over this country. No safeguard has been given. Mr. Shukla was speaking of safeguards. In respect of certain orders only, appeal is provided to a court of law. By that time, the mischief will have been done.

With regard to orders made under Chapter II, is there any safeguard? I am being solemnly told to take an appeal against an order made by a Deputy Secretary to the Central Government. Against Chapter II, there is no protection at all. Only an appeal has been provided....

SHRI VIDYA CHARAN SHUKLA:
Safeguard is provided.

SHRI SOMNATH CHATTERJEE:
There is only an appeal from an order made under sec. 18. Section 18 is in Chapter III. I shall go to the Central Government, the apostle of fairness and justice, this is the Central Government which brings these laws.

SHRI N. K. P. SALVE: Grounds will always be justiciable.

SHRI SOMNATH CHATTERJEE:
We know of grounds, Mr. Salve.

This is nothing but another infamous legislation. The DIR is there. Mr. Shukla owes an explanation to the country. Why, in spite of the DIR which has been liberally used, are you having this legislation? Why do you want this permanent piece of legislation? Why are you not satisfied with suspending article 19? Why are you not satisfied with DIR which is being applied indiscriminately? We know it because in Tripura two newspapers were banned. They were asked to give a huge amount as security. They are small newspapers. Within two days came an order for banning the newspapers. The press was taken over by the Government. The court could intervene only because no ground had been given.

[Shri Somnath Chatterjee]

I want to tell this Government that they are afraid of the people, they are afraid of any scrutiny of their action, they want to put themselves above the law, they do not want scrutiny by the people, they do not want scrutiny by the press, they do not want scrutiny by the court. They think they are above the law, infallible.

I submit even at this stage this Government should consider....

MR. DEPUTY-SPEAKER: You have had enough time.

SHRI SOMNATH CHATTERJEE: ...whether they should proceed with this infamous Bill. They have all the powers under the sun. But they want further powers to oppress the people.

श्री मूल चम्पू डागा (पाली) : उपाध्यक्ष महोदय, मैं एक बात बड़ी विनम्रता पूर्वक कहना चाहता हूँ और वह यह है कि आप कानून किसी अच्छी भावना को जे कर बनाते हैं। लेकिन उस का उपयोग कैसे होता है इस बात का आपको ध्यान रखना होगा। एक बात और कहना चाहता हूँ। बड़े दार्शनिकों ने कहा है —

निन्दक नियरे राखिए आंगन कुटी छुवाय ।

बिन पानी साबुन दिना निर्मल करे सुभाय ॥

मैं समझ नहीं सका, सबल विरोध के बिना कभी कभी लोकतंत्र को खतरा रहता है। कभी कभी कुछ बातें कहने का लोग हक रखते हैं तो वह कोई ऐसी बात नहीं है। हाँ, आप को अच्छा नहीं लगता हो, लेकिन विवेकानन्द ने एक बात कही थी कि मैं ब्रह्म हूँ, मैं निर्भीक हूँ। आदमी को एक बात नहीं भूलनी चाहिए कि मैं निर्भीक हूँ, मैं ब्रह्म हूँ, मुझे भी अपनी बात कहने का अधिकार है। मैं यह नहीं कहना चाहता

कि आप सारी बातों को धीरे-धीरे मैं जान लें। मेरी मूल प्रार्थना है कि आज संसदीय के संघर्ष लोग लेटर्स लिखते हैं। समाचार पत्र जनता की भाषा है और वह जो अपने लेटर पेज करते हैं अगर उस में आवेदनवाक्य कोई बात हो गई तो आप क्या करेंगे? क्या एडिटर की, सम्पादक को जो लैटर लिखे जाते हैं वह प्रकाशित नहीं होंगे। सारे पत्रों में इसके लिये एक कालिग होता है जिसमें जरिए से लोग अपनी आवाज उठा सकते हैं। तो उसके लिए क्या होगा? इसी तरह से कार्टून निकलेंगे? जैसे मिल मेट पर मजदूर चारा लगा रहे हैं— जोर जुल्म की टक्कर में हड़ताल हमारा नारा है। शुक्ला जी कहते हैं कि इस बिल का इम्प्लीमेंटेशन बड़े अच्छे ढंग से किया जायेगा लेकिन डिस्ट्रिक्ट मैजिस्ट्रेट या रिट्टी सेक्रेटरी जो भी होंगे वह जुडिशियल आफिसर्स नहीं हैं। जो पहले एक्ट था उसमें जज का प्रोविजन था जब आप इन पार्स को एक्ससाइज करने जा रहे हैं तो मैं आपसे प्रार्थना करूँगा कि यहाँ पर भी जुडिशियल आफिसर्स होने चाहिए। अगर रिट्टी सेक्रेटरी या डिस्ट्रिक्ट मैजिस्ट्रेट की जगह अगर डिस्ट्रिक्ट जज को यह पावर्स देने हैं तो ज्यादा अच्छा रहेगा।

श्री एस० एस० बनर्जी (कानपुर):

उपाध्यक्ष महोदय, मैं जानता हूँ आज चार बजे बीटिंग रिट्टी के लिए सदस्यों को जाना है लेकिन मैं यहाँ पर आपकी बीटिंग रिट्टी देख रहा हूँ। मैं सिर्फ यह कहना चाहता हूँ कि मेरे मुश्किल दोस्त, शुक्ला जी जिन्होंने इस बिल को पायलट किया है, यह बिल पास होने जा रहा है, लागू तो यह हो ही जायेगा, इम्प्लीमेंटेशन भी होगा लेकिन कुछ चीजें वह प्रती भी सोच लें। उन्होंने यह अम्प्योरेंस दिया है कि ट्रेड यूनियन्स के आन्दोलन पर कोई कुठाराघात नहीं होगा। प्रती मेरे मुश्किल

दोस्त बाना साहब, जो भावण देकर बलें गए हैं, उन्होंने कहा था कि मिल गैटपर मजदूर नारा लिखते हैं तो बाखिर उस का क्या होगा। वह नारा देते हैं—जोर जुल्म की टंककर में हड़ताल हमारा नारा है। यह लोग कहते हैं—जो दे न सके रोजी रोटी, वह सरकार निकम्मी है। सिर्फ दो बार नारे जयप्रकाश नारायण ने दे दिए थे या किसी ने दे दिए थे तो बकिंग क्लास ने सारे देश में उनकी मुखालिफत की। राइट रिप्रेजेशनरी फोर्स ने कहीं भी कोई नारा दिया हो बकिंग क्लासेज ने, कन्या-कुमारी से लेकर काश्मीर तक कभी भी उसका समर्थन नहीं किया। इस देश में बकिंग क्लास की प्रोप्रेसिव फोर्स हमेशा रही है और आगे भी रहेगी। लेकिन इसका मिला उनको क्या मिला ? मीमा में संजेशन और वज़ अपनी बात कहो वह नहीं सकते। माण्डम चीज का पाम कीजिए लेकिन कभी ऐसा न हो कि वह नृमरेग करे। हमने कहा था गवर्नर माहव को आप हटा दीजिए लेकिन आपने कौंसिल आफ गिनिस्टर्स को हटा दिया, बहन खुशी की बात है और उसमें लिए आपकी बजार्ड, लेकिन वहां पर कम से कम आप गवर्नर माहव को भी निकाल दें। जो नियामी जनरल पिटे हुए मोहरे हैं उनको आ गवर्नर बना कर भेज दें। (अवधान) तो मैं कह रहा था पिटे हुए मोहरे को आप क्यों प्रोटेक्शन दे रहे हैं।

बाखिर में मैं कहना चाहता हूँ कि हम देखेंगे किस तरह से इसको लागू किया जाएगा। मैं दोबारा इसकी मुखालिफत करता हूँ। आप अखबार की सेसरशिप का देखें, कल आप मौजूद थे जब अज्जेक्शनेबिल मैटर्स वाले बिल पर

यहाँ डिस्कशन हो रहा था लेकिन आज टाइम्स आफ इंडिया में छापा है :

"Mr. S. M. Benerjee, CPI, supported the bill"

सुबह से शाम तक उस का विरोध करते हुए थक गया और यहां पर लिख दिया गया है कि मैंने सपोर्ट किया है। अब इस में सेंसर की गलती है या प्रेस की गलती है—किस को बोधी कहें ? ...

श्री शशि भूषण (दक्षिण दिल्ली) : सपोर्ट कर रहे थे—दिस से, जुबान से विरोध कर रहे थे।

श्री एस० एम्० बनर्जी : इस लिए मैं अर्ज करना चाहता हूँ—इन्हीं चीजों की वजह से मैं इस का विरोध करना हूँ।

SHRI VIDYA CHARAN SHUKLA: Sir, most of the hon. Members who took part in the third reading of this Bill have repeated their earlier points and Shri Mavalankar need not have quoted all these eminent scholars of the West to buttress his argument because we could have taken his argument on his merit without such quotations that he made. I want to say clearly that no Constitutional guarantee is being taken away by this bill. If it is like this, the courts will strike down the rule. So, why bother about it? I am saying that we have taken care and I have repeated it that whatever provisions have been put in this Bill are well within the reasonable restrictions that have been provided in the Constitution under Article 19(2). Therefore, it is for you to weigh whether under Article 19 all 7 rights are taken away. I could not understand it because you know this procedure very well. But ultimately to decide whether we are taking away the freedom guaranteed under the

[Shri Vidya Charan Shukla]

'Constitution or not it is to be decided by the Courts and not by the Government. Sir in his anxiety, the way he was mentioning I was really surprised, he was talking about the disaffection. Here the clause clearly says as follows:

"3 (i) bring into hatred or contempt, or excite disaffection towards, the Government established by law in India or in any State thereof and thereby caused or tend to cause public disorder;"

If anybody creates or exercised disaffection which causes to or tends to cause public disorder only then it comes under the mischief of this Act. Otherwise not. You might create any amount of disaffection which does not tend to or does not cause any public disorder, then it does not come under the mischief of this Act. This is clearly stated. The hon. Member is a balanced individual and he normally takes independent line and I thought that he would see clearly this clause. This theory of disaffection is only limited to the extent where the disaffection leads to public disorder. Otherwise not. Otherwise any amount of disaffection you create is not covered by this Bill.

Shri Somnath Chatterjee and others mentioned about the free press. I have already said that this does not impose any more restrictions on the press. That has been given voluntarily by the editors, journalists and eminent journalists who are as jealous of the freedom of the press as you and me and they have all suggested the same curbs on the press as had been enumerated. The only difference is that they wanted it voluntarily and we are putting it in a statute. There is no difference. I have already replied to all other points. Therefore I would commend this bill be accepted by this House.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended be passed".

The Lok Sabha divided:

AYES

Division No. 13 15.36 hrs.

Aga, Shri Syed Ahmed
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Babunath Singh, Shri
Balakrishnaiah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barupal, Shri Panna Lal
Basappa, Shri K.
Bhagat, Shri H. K. L.
Bhattacharyya, Shri Chapalendu
Brahmanandji, Shri Swami
Chakleshwar Singh, Shri
Chandrakar, Shri Chandulal
Chandrika Prasad, Shri
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chhotey Lal, Shri
Chhuttan Lal, Shri
Daga, Shri M. C.
Dalbir Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dharamagaj Singh, Shri
Dhillon, Dr. G. S.
Dixit, Shri G. C.
Doda, Shri Hiralal
Dwivedi, Shri Nageshwar

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Gaekwad, Shri Fateesingh Rao.			Mohsin, Shri F. H.	
Ganesh, Shri K. R.			Murmu, Shri Yogesh Chandra.	
Gangadeb, Shri P.			Negi, Shri Pratap Singh	
Garcha, Shri Devinder Singh			Oraon, Shri Kartik	
Gavit, Shri T. H.			Oraon, Shri Tuna.	
Godara, Shri Mani Ram			Palodkar, Shri Manik Rao	
Gomango, Shri Giridhar			Pandey, Shri Narsingh Narain	
Gopal, Shri K.			Pandey, Shri R. S.	
Goswami, Shri Dinesh Chandra			Pandit, Shri S. T.	
Gowda Shri Pampan			Paokai Haokip, Shri	
			Parasher, Prof. Narain Chand	
Hari Singh, Shri			Patil, Shri C. A.	
Jamilurrahman, Shri Md.			Patil, Shri E. V. Vikhe	
Jeyalakshmi, Shrimati V.			Patil, Shri Krishnarao	
Jha, Shri Chiranjib			Patnaik, Shri Banamali	
			Patnaik, Shri J. B.	
Kahandole, Shri Z. M.			Peje, Shri S. L.	
Kamakshaiah, Shri D.			Pradhani, Shri K.	
Kamble, Shri T. D.				
Kapur, Shri Sat Pal			Raghu Ramaiah, Shri K.	
Kaul, Shrimati Sheila			Rai, Shri S. K.	
Kavde, Shri B. R.			Rai, Shrimati Sahodrabai	
Kinder Lal, Shri			Ram, Shri Tulmohan	
Kisku, Shri A. K.			Ram Dayal, Shri	
Kotoki, Shri Liladhar			Ram Singh Bhai. Shri	
Kureel, Shri B. N.			Ranabahadur Singh, Shri	
			Rao, Shri Jagannath	
Lakshminarayanan, Shri M R			Rao, Shri K. Narayana	
Lambodar Baliyar, Shri			Rao, Shri M. Satyanarayan	
			Rao, Shri Pattabhi Rama	
Mahajan, Shri Vikram			Rathia Shri Umed Singh	
Maharaj Singh, Shri			Ravi, Shri Vayalar	
Majhi, Shri Kumar			Ray, Shrimati Maya	
Malhotra, Shri Inder J.			Reddi, Shri P. Antony	
Mandal, Shri Jagdish Narain			Reddi, Shri K. Ramakrishna	
Mandal, Shri Yamuna Prasad			Reddy, Shri M. Ram Gopal	
Manbar, Shri Bhagatram			Reddy, Shri P. Ganga	
Mirdha, Shri Nathu Ram			Reddy, Shri Sidram	
Mishra, Shri G. S.			Richhariya, Dr. Govind Das	
Mishra, Shri Jagannath			Roy, Shri Bishwanath	

Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sankata Prasad, Dr.
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satpathy, Shri Devendra
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shallani, Shri Chandra
 Shankaranand, Shri B.
 Sharma, Shri Madhoram
 Shashi Bhushan, Shri
 Shastri, Shri Bishwanarayan
 Shastri, Shri Sheopujan
 Shetty, Shri K. K.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Sinha, Shri Dharam Bir
 Sinha, Shri Nawal Kishore
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Ukey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Verma, Shri Sukhdeo Prasad
 Vikal, Shri Ram Chandra
 Yadav, Shri Karam Singh
 Yadav, Shri R. P.

NOES
 Banerjee, Shri S. M.
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Chandrappan, Shri C. K.
 Chatterjee, Shri Somnath
 Chowhan, Shri Bharat Singh
 Deshpande, Shrimati Roza
 Gowder, Shri J. Matha
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hazra, Shri Manoranjan
 Joarder, Shri Dinesh
 Kathamuthu, Shri M.
 Krishnan, Shri M. K.
 Kiruttinan, Shri Tha
 Mavalankar, Shri P. G.
 Modak, Shri Bijoy
 Mukherjee, Shri Saroj
 Parmar, Shri Bhaljibhai
 Patel, Kumari Maniben
 Patel, Shri H. M.
 *Rao, Shrimati B. Radhabai A.
 Roy, Dr. Saradish
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Shastri, Shri Ramavatar
 Singh, Shri D. N.

MR. DEPUTY-SPEAKER: The result** of the division is: Ayes 146; Noes 27.

The motion was adopted.

*Wrongly voted for 'NOES'.

**The following Members also recorded their votes for 'AYES':

Shri C. D. Gautam, Shrimati Savitri

Shyam, Shri Nawal Kishore
 Sharma and Shrimati B. Radhabai
 A. Rao.