

which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Ministry of Civil Aviation'."

**DEMAND NO. 2—METEOROLOGY**

"That a sum not exceeding Rs. 2,50,75,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Meteorology'."

**DEMAND NO. 3—AVIATION**

"That a sum not exceeding Rs. 5,66,67,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Aviation'."

**DEMAND NO. 4—OTHER REVENUE EXPENDITURE OF THE MINISTRY OF CIVIL AVIATION**

"That a sum not exceeding Rs. 6,74,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of "Other Revenue Expenditure of the Ministry of Civil Aviation'."

**DEMAND NO. 113—CAPITAL OUTLAY ON CIVIL AVIATION**

"That a sum not exceeding Rs. 5,20,07,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Capital Outlay on Civil Aviation'."

**DEMAND NO. 114—OTHER CAPITAL OUTLAY OF THE MINISTRY OF CIVIL AVIATION**

"That a sum not exceeding Rs. 1,000 be granted to the

President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Other Capital Outlay of the Ministry of Civil Aviation'."

15.30 hrs.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**SIXTY-FIRST REPORT**

**Shri Hem Raj (Kangra):** I beg to move:

"That this House agrees with the Sixty-First Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 31st March, 1965."

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

"That this House agrees with the Sixty-First Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 31st March, 1965."

*The motion was adopted.*

15.30½ hrs.

**YOUNG PERSONS (HARMFUL PUBLICATIONS) AMENDMENT BILL—  
 contd.**

(AMENDMENT OF SECTION 2 BY SHRI C. K. BHATTACHARYYA)

**Mr. Deputy-Speaker:** The House will now take up further consideration of the following motion moved by Shri C. K. Bhattacharyya on the 19th March, 1965, namely:—

"That the Bill to amend the Young Persons (Harmful Publica-

[Mr. Deputy-Speaker]

tions) Act, 1956, be taken into consideration."

24 minutes are still left. May I know how much time the hon. Minister wants for reply?

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** About 20 minutes.

**Mr. Deputy-Speaker:** Then he may start his reply now.

**Shri Hathi:** Shri C. K. Bhattacharyya's Bill deals with a subject on the object or motive of which there cannot be two opinions. His main anxiety is that the publications which deprave or corrupt the minds of young persons should be prohibited and such publications should be punished. So far as the object is concerned, there cannot be two opinions. And the speeches which hon. Members have made during the discussion on this Bill have also indicated the same trend or the same object. We have to be careful to see that the literature, stories, pamphlets, magazines etc. which are published and circulated and are placed before our young generation are not such as would deprave or corrupt the minds of the young people. We have to look to that.

Some hon. Members have referred to the cinema films and the pictures and the songs that have an effect on young persons. My hon. friend Shri Yashpal Singh had referred to the impression which these film songs have on young persons. He has pointed out that many a time he found the young children singing those film songs in their homes or in the schools or on the streets. That is a thing we have to look into. We have stories, and we have books, and we have literature written hundreds of years ago such as the *Hitopadesha*, the *Panchatantra* etc. which can mould the character of our young generation.

15.35 hrs.

[SHRI THIRUMALA RAO in the Chair]

But in spite of that, the young people are always attracted by filthy literature. The present enactment, that is, the Young Persons (Harmful Publications) Act, 1956, has aimed mainly at stopping publication and circulation of what were known as horror comics, that is, stories which used to come from abroad and which had a tendency towards what was called moral disarmament, that is, moral disarmament of young persons; in other words, they made those young persons lose all the fine sense of mercy, fine sense of compassion, fine sense of love....

**An hon. Member:** Love also?

**Shri Hathi:** I am referring to love that he should take me in that serious way in which I am talking. I am I talk of banning of obscene literature, I would at least expect of my senior colleague Shri N. C. Chatterjee that he should take me in that serious way in which I am talking. I am talking of a crusade against obscene literature. I am speaking in the voice in which Shri C. K. Bhattacharyya the hon. Mover had spoken in this House. I am voicing the sentiments of almost all the Members of the House who are at one in this noble object of prohibiting such publications, so that minds of our younger generation may not be depraved or made corrupt. When I mention the word 'love' I am referring to it in the sense of the love which a devotee has towards God, which a mother has towards her son, which a father has towards the son or which a son has towards his father or which a brother has towards his brother. Perhaps he thought, that when I was talking about cinema songs, I was thinking of that word in the sense in which my hon. friend took it. I was not doing that at all.

**Shri C. K. Bhattacharyya (Raiganj):** He was thinking of the Sangam type of love.:

**Shri Hathi:** I was talking about the literature called horror comics. These story books and the effect which these books have on the minds of young persons are described by different authors and different writers in very vivid form. Dr. Fredric Wertham has summarised the most subtle and pervasive effect of crime comics on children in a single phrase which I had used earlier, namely moral disarmament. This consists chiefly in the blunting of the finer feelings of conscience, of mercy, of sympathy for other people's sufferings and so on.

The main object of bringing forward this piece of legislation in 1956 was to punish the circulation of this sort of literature. The definition in the existing Act says that:

"'harmful publication' means any book, magazine, pamphlet, leaflet, newspaper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly—

- (i) the commission of offences; or
- (ii) acts of violence or cruelty; or
- (iii) incidents of a repulsive or horrible nature;

in such a way that the publication as a whole would tend to corrupt a young person into whose hands it might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever."

Now that was the main object of this legislation, so that by reading these stories, these books, young men become crime-minded. As a result of reading such books, many young people took to offences. Such literature created psychological effect on the minds of these young persons,

and in order to stop the publication, sale, hiring or exhibition of these, this Act was passed. Shri Bhattacharyya also read at that time portions of the speech of the late Shri G. B. Pant in which he had said that it was mainly for this purpose.

Now I fully appreciate Shri Bhattacharyya's intention in bringing this particular Bill where he wants to add certain items, namely (i) the commission of offences, (ii) acts of violence or cruelty; (iii) incidents of an obscene, repulsive or horrible nature,—the words 'repulsive or horrible nature' are already there; he wants to add the word 'obscene'—(iv) any matter relating to the private lives of cinema stars, or (v) any matter prejudicial to any linguistic minority. He is not pressing the fifth item; I am glad he has appreciated that it does not fit in with the theme of the present Bill.

So far as items (iii) and (iv) are concerned, as I said this piece of legislation was meant for horror comics, such books or literature which had the effect of morally disarming the minds of young persons, making them crime-minded. But we have sec. 292 of the IPC which reads:

"Whoever—

- (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or
- (b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in

[Shri Hathi]

any manner put into circulation, or

- (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation....

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine or with both".

Then sec. 293 deals with such literature being sold or exhibited to young persons under the age of 21 and says that such offence shall be punishable with imprisonment which may extend to six months or with fine or with both. Therefore, we have already these two sections in the IPC dealing really with obscene literature.

But the difficulty is that even in spite of these provisions being there, the courts find it difficult to deal with the matter—here again I would look to the senior counsel, Shri Chatterjee. The word 'obscene' is nowhere defined in the IPC. What is obscene is again to be decided having regard to a test known as the Hicklin's test. A particular picture may be obscene from one point of view; but the publisher may say that the object of it was for medical science, that it is a medical journal where certain features of the human body have to be exhibited or described and it was with this purpose that he published it; it may go into the hands of a young person, for which he is not responsible. Then again it may be a piece of sculpture, or a piece of art, a picture of a god or goddess. If it were simply a nude picture, one would say it is obscene, but it may be contended that it is a picture of a goddess. An exception in

this regard has also been made in the Indian Penal Code. But courts have differed, from country to country as well as from court to court as to what is the criterion. Therefore, although ordinarily we may say that it is an obscene picture or obscene piece of literature, it may be that the accused may be able to go scot-free on some such excuse. He may say it is a medical journal, which was not meant at all for young men; if the father or the mother negligently let it go into the hands of the young man, it was not his fault. Such defence theory could be accepted.

Therefore, it has been the experience of Government that it has become difficult to obtain a conviction although we try for it. I agree in principle that it is necessary that we should define what is 'obscene'. But the point is that by merely introducing the word 'obscene' the practical difficulty will not be removed. But that does not mean that I would not accept in principle what is good for the society and what requires to be done.

With regard to this, I may mention that another private Member's Bill, Shrimati Lakshmikanthamma's Criminal Law (Amendment) Bill wherein sec. 292 (a) is sought to be amended, where she has fully described it, has been accepted for circulation for public opinion. That is being circulated. In addition to that, I have also referred this question to the Law Commission. So, having regard to the need for punishing and dealing firmly with those who publish such obscene literature, or literature which corrupts or contaminates the minds of young persons, as I mentioned earlier, I have accepted in principle the Bill introduced by Shrimati Lakshmikanthamma. In the Rajya Sabha, Shri Diwan Chaman Lal has also introduced a Bill and that also I have accepted in principle.

**Shri Hari Vishnu Kamath (Hoshangabad):** That House should not be

mentioned here. Proceedings in this session should not be referred to in this House. That is the rule.

**Shri Hathi:** It is not a question of quoting anything. It may be I cannot quote for the purpose of supporting my argument, but I can mention it by way of information. That is what I am doing.

There also we have accepted a motion for circulation of the Bill which seeks to amend sections 292 and 293 of the Indian Penal Code.

Therefore, I would like to assure the hon. Mover that I am in complete agreement with the need of having a legislation which would deal with such obscene literature strictly, and by which we can put a stop to the publication of such literature which very badly corrupts our young generation. As I said, there can be no two opinions on that. We are all at one in seeing to it that our future generation is a generation whose mind is not corrupted by such horror comics or by such obscene literature.

**Shri P. Venkatasubbaiah (Adoni):** What about the present generation?

**Shri Hari Vishnu Kamath:** By implication, the present generation is corrupt.

**Shri Hathi:** By young people I mean people from eight years onwards. Of course, we all belong to the present generation, but we certainly want the future generation to be protected also, that is very important.

Therefore, while I fully accept the principle, I would reiterate the considerations I have mentioned already. They are, firstly, the present Bill deals with a subject which can be said to be allied but is different from horror comics. Secondly, there are sections 292 and 293 of the Indian Penal Code which deal with obscene literature. So far as that is concerned, there is already a Bill proposing certain amendments which has

been circulated for public opinion. Government have also referred the matter to the Law Commission. Further, the Mover himself is not thinking of pressing one of the items. In the circumstances, I would request the Mover to withdraw the Bill.

**Mr. Chairman:** Shri Bhattacharyya. How much time will he take?

**Shri C. K. Bhattacharyya:** In any case, I would not go on *ad infinitum*.

**Mr. Chairman:** The allotted time for the Bill is almost over. Therefore, he should be brief.

**Shri C. K. Bhattacharyya:** Some time should be given to me.

Sir, when the Indian system of giving training to young men was evolved, it laid stress particularly on one aspect, the aspect of self-control, the teaching of self-restraint from the very beginning of life. It is this basic principle which is repeated again and again as the boy progresses in his education and advances in age. In his very early life, he is taught:

आपादां कथितः पन्था इन्द्रियाणाम् असंयमः  
तज्जयः सम्पदां मार्गो येनेष्टम् तेन गम्यताम्

It means—

"If you allow your sense propensities to run amuck, you run into danger. If you control them, you get prosperity. These are the only two ways open to you. Choose whatever you like." That is the first lesson given to a boy.

Then, as he advances further, comes this advice:

इन्द्रियाणाम् हि चरताम् यं मनोनुविधीयते,  
तदस्य हरति प्रज्ञां वायुनविभिवांषसि ।

[Shri C. K. Bhattacharyya]

It says—

If your mind runs after any one of your senses, that will take away from you your prudence, your intelligence, your wisdom, and you will sink like a boat in the sea which is leaky at its bottom. You will be carried away."

**Shri Hari Vishnu Kamath:** वायुनविविवांमसि like a boat in a storm, not a leaky boat.

**Shri C. K. Bhattacharyya:** There is another sloka which has the meaning which I have given. The result is the same. "Do not be carried away by a particular attachment, the particular thing to which your sense propensity directs you to go." Shri Kamath will appreciate this.

**Shri Hari Vishnu Kamath:** Yes. That is why I tried to correct you.

**Shri C. K. Bhattacharyya:** This is the lesson which has been repeatedly inculcated on young minds from the very beginning of life, so that when they come up of age, they have a basis in life, standing on which they are not easily shaken by what happens around them, by what happens in the world. A boy who has been trained and brought up in this way is quite able to meet any reverses of fortune, any changes in life, any difficult situation in which he may fall or be put into.

That basic idea which was inculcated in our educational system should be respected by any system that we may evolve and follow now. That was one of the reasons which prompted me to bring forward this Bill, because there are materials coming in which go against the basic training of youth that we had evolved and had tried to give to our young men.

If we look to lessons in history, we find that indulgence in sex propensi-

ties has ruined nations, has ruined races, has ruined countries.

**An. hon. Member:** Where?

**Shri C. K. Bhattacharyya:** Look into the history of Greece, you will find it fell, never to rise again. Look into the history of Rome, it fell never to rise again. In France, a second Napoleon has not come into existence, and it is faltering even now. Look into our own history. In those stages of Indian history in which it is found that in literature, in social life, people were given to indulgence in sexual life or such tendencies or propensities, Indian history records a downfall. That is the apprehension in my mind which prompted me to bring in this Bill, and give a timely warning, so that we may not be taken unawares.

I was very happy when I heard the hon. Minister accepting the principle of the Bill and being at one with me in his ideas over this Bill. My point is this. I want that things which are not tolerated in our social life should not be given any encouragement too in our literature or films or in other forms.

**Shri D. C. Sharma (Gurdaspur):** Do you read the *Indian Observer*?

16 hrs.

**Shri C. K. Bhattacharyya:** The things that are shown in some of the films, the things that are described and dealt with in the literature to which I have referred in my Bill, are things which we do not tolerate in our social life. We do not allow in our social life the scenes that we see in some of the films. That is why my point is that this should not be allowed to be read or propagated. It cuts at the root of our social life itself; that is undermining the social life, undermining family life and undermining the individual life also. The hon. Minister was referring to how the same thing can be looked at from a diff-

erent aspect. I only referred to one instance, this human body. It is all related to human body. Take the way in which Maharishi Dattatreya describes it:

“अमेध्यपूर्णं, कृमिजालसंकुले ।  
स्वभावदुर्गन्धि विनिन्दितान्तरे ।  
कलेवरे मूत्र पुरीषभाविते ।  
रमन्ति मूढाः विरमन्ति पंडिताः ॥”

This body which is

अमेध्य पूर्णं

full of ugly things

कृमिजालसंकुले

covered with worms; there are so many things growing up

स्वभावदुर्गन्धि

unless it is cleaned daily it will normally give out a bad odour,

विनिन्दितान्तरे

that is all the other things within the outer cover of this body. If this description is read, one will not get attached to human body. At one place there is this description:

कलेवरे मूत्रपुरीषभाविते

this body is full of urine and other things, no one should get attached to this body.

Mr. Chairman: Leave it at that.

Shri C. K. Bhattacharyya: Take the other aspect. This is the description of the poet.

बाहूद्वीमृणालं

the two hands are like lotus stems.”

आस्यकमलं

the face is the lotus itself,

लावण्यलीलाजलं

the beauty shining through the body is like water in the tank. Then there are other descriptions.

Mr. Chairman: I hope you will stop with the description of the face.

Shri C. K. Bhattacharyya: There is another description.

कान्तायास्तन चक्रवाकयुगलं

कन्दर्प वाणानलैः

दग्धानां भ्रवगाहनाय विघिना रम्यं सरः

कल्पितं

Shri D. C. Sharma: Please translate it.

Shri C. K. Bhattacharyya: There is again the same human body, from the anatomical point of view, when a doctor looks at it; he looks at it from a different angle.

Shrimati Lakshmikanthamma (Kammam): I hope you will say something from Yogavashista where the body is mentioned as grave.

Shri C. K. Bhattacharyya: For the time being, I am not going to the grave; we are concerned with life yet. So, this is the position. This literature may be allowed to be handled and read by mature persons but not by the younger ones. It is no good saying that this literature is a production of art, it is a production of beauty, why not allow it to be handled by all. It cannot be so because there is something known as—

अधिकार-भेद

and in this case the principle comes in. Something which may be allowed to maturer minds cannot be allowed to be handled by younger minds. There were some Members who speaking on this Bill suggested: what is to be given to the younger men? When Gandhiji went to Calcutta to preach his movement of non-violence non-cooperation long years back in 1921, we met him at C. R. Das's house. I put one question to him; I asked him: could you tell us what is the secret of your strength? what is there in you by which by simply raising your finger you rule\* the minds of crores of people in India and make them work or move them

[Shri C. K. Bhattacharyya]

in whatever way you like? What is that strength in you? His reply was, to speak in one word, that is "Brahmacharya." That was the reply he gave. I put the second question. Could you tell us what this Brahmacharya means? The reply was also very simple: "Do not keep superfluous energy. That is ideal brahmacharya." That is, a boy who is given to studies must train his mind so that he gives his entire energy to studies. The boy must be trained in a way so that he gives his entire mind and energy and attention to the work itself. If we allow distraction and dissipation, disasters will come. These literatures which I have dealt with in my Bill are one of the major and potent sources of bringing distraction and dissipation.

**Shri D. C. Sharma:** What was the secret of Mohamad Ali Jinnah?

**Shri C. K. Bhattacharyya:** The hon. Minister was referring to the future generations. I shall make only one reference and end there. We are building up these Five Year Plans. But for whom are these plans? What is the foundation, the basis on which these plans will stand? Who will work out these plans? It is the younger people. If the younger generation is allowed to be corroded, these plans will stand like a Tajmahal on a mud base; it will topple down at any time unless the position is set right, the base is set right, unless there are young men who can stand up to anything that happens in the world and face them and have the strength of facing them. Otherwise none of these plans will lead to success.

The hon. Minister has requested me to withdraw this Bill. In fact I had already hinted that the Government should take it up at least in principle; when he kindly referred to the Rajya Sabha Bill I wondered whether he could not accept this also for circulation along with the Rajya Sabha

Bill which he has accepted for circulation.

**Shri Hathi:** No.

**Shri C. K. Bhattacharyya:** The Bill of Mrs. Lakshmikanthamma also is there. I wish that all these three Bills should be circulated together for opinion as has been done in the case of the Rajya Sabha Bill. I would request you Sir, to ask the hon. Minister whether he will agree to its cir- not agreeing to circulation.

**Dr. M. S. Aney (Nagpur):** You want the Bill or the speech to be circulated?

**Shri C. K. Bhattacharyya:** That is a suggestion that I make and it is for him to consider it.

**Mr. Chairman:** The hon. Minister is not agreeing to circulation.

**Shri C. K. Bhattacharyya:** Then I withdraw the Bill.

**Mr. Chairman:** Has the hon. Member leave of the House to withdraw the Bill?

*The Bill was, by leave, withdrawn.*

16.09 hrs.

#### MERCHANT SHIPPING (AMENDMENT) BILL

(Amendment of Section 456 by Shri Indrajit Gupta).

**Shri Indrajit Gupta (Calcutta South West):** Sir, I beg to move:

"That the Bill to amend the Merchant Shipping Act, 1958, be taken into consideration."

Sir, I hope that this will not meet with any opposition from the hon. Minister because I do not think there is any reason for it. Under section 456 of the Merchant Shipping Act, power