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COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

TWENTY-FIFTH REPORT

Shri Mulchand Dube (Farrukhabad): Sir, I beg to present the twenty-fifth Report of the Committee on Absence of Members from the Sittings of the House. I also lay on the Table a copy of the Statement showing names of Members who were continuously absent from the sittings of the House for 15 days or more from the 1st April to the 5th May, 1961, during the Thirteenth Session.

DEPOSIT INSURANCE CORPORATION BILL*

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill to provide for the establishment of a corporation for the purpose of insurance of deposits and for other matters connected therewith or incidental thereto.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of a corporation for the purpose of insurance of deposits and for the other matters connected therewith or incidental thereto."

The motion was adopted.

Shri Morarji Desai: I introduce the Bill.

APPROPRIATION (No. 4) BILL*

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1961-62.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1961-62".

The motion was adopted.

Shri Morarji Desai: I introduce the Bill.

12:41 hrs.

INDIAN PENAL CODE (AMENDMENT) BILL—contd.

Mr. Speaker: The House will now proceed with further consideration of the following motion moved by Shri Datar on the 30th August, 1961, namely:-

"That the Bill further to amend the Indian Penal Code, be taken into consideration."

The time allotted was 5 hours, time taken is 4 hours 25 minutes, and only 35 minutes are left.

Shri A. C. Guha (Barasat): Is the time going to be extended?

Mr. Speaker: On account of the importance of this Bill, the time for this will be extended by one hour. Now, Dr. Aney . . .

Dr. M. S. Aney (Nagpur): Mr. Speaker, Sir, I thank you for giving me an opportunity to express my views on the Bill and the problems that arise out of it.

*Published in the Gazette of India 31-8-61.

§Introduced with the recommendation of the President.

Extraordinary, Part II, Section 2, dated 31-8-61.

[Dr. M. S. Aney]

Sir, I confess that I have not been so far convinced of the necessity of the enactment of this new penal measure and its effectiveness also.

The object as given in the Statement of Objects and Reasons is to effectively check fissiparous, communal and separatist tendencies based on grounds of religion, caste, language or community or any other ground. I want to know whether the demand for the formation of Andhra, Karnatak, Maharashtra and Gujarat were due to the separatist tendency on the ground of language affinity or not? If it was so, who created it or encouraged it? Can it be said that that was due to the absence of any legal provision like the one which this Bill seeks to introduce now? If such a tendency was fissiparous, the blame for its growth and development has to be laid at the door of the Congress and the Congress Government itself.

Sir, the Government's enthusiasm for the acceptance of this pernicious principle has gone to the length of applying it to people who protested against it, in defiance of the recommendations of the States Reorganisation Commission, not to merge Vidarbha in Maharashtra by an undue extension of the principle of linguistic affinity which in reality amounted to encourage the spirit of colonialism against which Bharat fought and won its freedom and emancipation from the British Empire.

Is not the dispute regarding the border-land between the so-called linguistic States like Mysore and Maharashtra carried on in the same spirit? Even today, the Central Government by appointing various committees for settlement of the issues have in a way recognised that this offspring of separatist tendency in the name of language though illegitimate has to be adopted and given the status of a legitimate child. That

is the meaning of the appointment of Pataskar Committee.

Not only that, but if some people like the inhabitants of Vidarbha protest against their forced merger and ask and agitate for redress of the grievance, they are told that the thing has now come to stay and the agitators are dealt with in a manner that would have put to shame even the despots and tyrants of old.

If the Akali Sikhs make a demand on the basis of the principle which has been conceded thoughtlessly before, advice of sanity, necessity of integration and national unity is given to them coupled with a threat by moving a Bill to tell them that separatist tendency on the ground of language affinity is made a specific offence and that those who support Master Tara Singh and Sant Fateh Singh will be punished with imprisonment for three years and not two years only as before.

I venture to say that the separatist tendency has grown out of a wrong policy of the Government, and discrimination against the Akali Sikhs in not extending its application by denying formation of Punjabi Suba or any other demand of that kind is not going to help the Government in any way.

I deplore as much as any one of you who stand for communal unity, the outbreak of communal frenzy that took place recently in Jabalpur and certain others parts of Madhya Pradesh. I will have liked the Madhya Pradesh Government and the Central Government to hold a proper enquiry to probe into the causes that led to that deplorable situation. No mercy should be shown, in my opinion, to those who will be found guilty of heinous offence in these troublesome days, whether the culprits be Hindus or Muslims. In the eye of law and under our Constitution all persons professing different faiths and religions stand on the same footing. It is by doing justice that the State can expect the followers of different

communities to live in peace, cooperate with one another and recognise their obligations towards each other as good neighbours.

I submit, Sir, you cannot create that atmosphere by passing a law. The present law under Section 153A is enough to deal with all these miscreants. What is wanted is not law but the proper type of officers who have to administer the law. That is a duty of the Government and not of the legislature. It is being freely stated in the papers and by men who are expected to know the correct state of things in Madhya Pradesh that the officers did not show the vigilance and sense of alertness that was expected of them in the initial stages. If that had been done, the evil would have been nipped in the bud. A thorough inquiry would have enabled the Union Government to ascertain the facts and the reality of the position. For reasons best known to the Government of Madhya Pradesh such an inquiry was not held, and now it is a matter for busy men to indulge in speculation and imaginary hypothesis.

My hon. friend Pandit Thakur Das Bhargava has pertinently asked whether the Government can show that the present law was used and found inadequate to uproot the evil and hence the necessity of an amending Bill to be brought here. Sir, things are being done by the Government also in a state of panic.

Only one point more and I shall finish. Such a measure in my opinion is a sad commentary upon the nature of our administration. When Congressmen first entered the legislatures under the British rule, they wanted to use their position to abolish all repressive laws made by the British Government to suppress the Indian movement of liberty. This provision 153A and Section 124A figured prominently in the Bills then introduced by the stalwarts of the Congress for repeal of those laws.

What do we find today, after 14 years of independence and after

adoption of a Constitution that is perhaps an ideal charter of liberties ever written by man? We have fundamental rights and also directive provisions. Some of the hon. Members have shown that the provisions of section 153A, as they are, and the one which is proposed to be substituted now are in contravention of some of these rights, particularly those rights provided in article 19(2)(a) in the chapter on "Fundamental Rights". That is one thing.

Moreover, under British rule we, as Congressmen, protested that this law was bad law and requires to be repealed. But today we, the representatives of free people of India, want to say that these provisions are inadequate and so we must have more powers to deal with our people. It means that either we are becoming despots and tyrants or our people are becoming more wicked and vicious. I leave it to you, Sir, to judge.

I conclude, therefore, with a request to the hon. Home Minister to coolly think over the whole matter and not to be hasty in rushing it through the House.

Mr. Speaker: I have extended the time by one hour. Before I call any other hon. Member, may I know how long the hon. Minister will take?

The Minister of Home Affairs (Shri Lal Bahadur Shastri): 30 to 40 minutes. I shall try to finish within half an hour.

Shri Ram Sewak Yadav: We may be given a chance.

Mr. Speaker: Which party does he belong to?

Shri Ram Sewak Yadav: Socialist.

Mr. Speaker: Though I will try to accommodate as many hon. Members as I can, I cannot give opportunity to every hon. Member. Now Shri Guha.

Shri A. C. Guha: This Bill rakes up many unpleasant memories of the last few years. My first reaction on getting this Bill is that it is an admission of failure and defeat on the part of this Government. After 14 years, the Government have to feel the necessity of coming before this House to strengthen their legislative power for checking fissiparous and separatist tendencies in the country. These tendencies, I am afraid, have rather been allowed to develop, to grow into an untoward proportion during the last few years, mostly due to administrative weaknesses. I do not know whether this amending Bill will improve the position in any way unless the Government make up their mind to be more energetic in enforcing the policy which they have in view in presenting this Bill.

For the last few years, on several occasions, matters have come up before this House which were not pleasant for the Government or for the nation. Many unpleasant things have occurred in many parts of the country and the Government, I should say, ought to have been more careful, more vigilant and more energetic in checking the undesirable developments in the country. The Government administration, in a way, have helped the development of these fissiparous and separatist tendencies. So, I should cite a few cases here.

The States Reorganisation Commission specifically mentioned the domicile rule prevalent in many States. The domicile rules in effect made certain categories of people in certain States into a somewhat sub-status citizens. Under these domicile rules certain sections of the people in certain States have been denied the right of employment, the right of avocation, the right to possess property and many other rights. Even the educational rights have been denied. Government did not take any step to check or to curb such propensities of the State Governments.

After the report of the States Reorganisation Commission, just five

years ago, they issued a memorandum to the State Governments. But, have they ever cared to see whether the State Governments have been respecting that memorandum or whether they have been simply ignoring the instructions and directions given in that memorandum? Now there is a talk that the Government will make the provisions of the 1956 memorandum obligatory on the State Governments. I do not know whether under the existing provisions of the law and the Constitution the Centre can make the 1956 memorandum obligatory on the State Governments to be complied with. Anyhow, if the Central Government have sent some directives or instructions to the State Governments, I think they should have taken care to see that the State Governments comply with them and act up according to the directions imposed by that memorandum. I hope something will be done in that direction.

The Constitution was amended to give protection to the linguistic minorities and to help the integration of the Indian nationhood. Article 350B provided for the appointment of a Special Officer. But if you read that article, you will be surprised that such an ineffective article should have been put in the Constitution. It reads:

“(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and to report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.”

No executive authority has been given to the Linguistic Minorities Commissioner, as he has been designated, or to the Central Government,

not even to the President of the Republic of India, to take any action on the recommendations of the Commissioner for Linguistic Minorities. What is the use of appointing a special officer and asking him to make reports if no action is taken on those reports? I think three or four reports have been submitted by him and on two occasions his reports were debated by this House and every hon. Member mentioned that the report was scrappy. And practically every State Government ignores his recommendations. I think Government should take certain powers to see that the recommendations of the Commission for Linguistic Minorities are made obligatory to be enforced by the Government. Since the State Governments seem to take these recommendations very lightly, at least some authority should be given to the Central Government to see that the reports of the Commissioner for Linguistic Minorities are not thrown to the waste paper basket by the respective State Governments.

Pandit Thakur Das Bhargava (Hisar): The Central Government can issue a directive to the local governments to behave in a certain manner, that is, according to the report of the Commissioner.

13 hrs.

Shri A. C. Guha: In article 350B there is no provision like that.

Pandit Thakur Das Bhargava: This was the argument of the hon. Home Minister.

Shri A. C. Guha: Might be, but I do not think any such step has been taken by the Central Government, that is, of giving a directive to the State Governments for the implementation of the recommendations of the Minority Commissioner's report. Anyhow, if anything has been done, I am sure the hon. Minister will mention it and I shall be happy if anything has been done. But my impression is that this officer is completely impotent and is without any authority. Even the Central Government has not got

any authority to implement the recommendations of this officer.

Much has been said about linguistic matters. That, I feel, is the greatest menace to the integration of India. It is a greater menace than communal or religious dissensions because religious groups are dispersed throughout the country and there will be hardly any occasion for them to claim secession. But linguistic groups are concentrated at particular places and there may be claims for secession from the Indian Union except in the North-East borders. Such claims have come. I do not know whether such claims would not come in future. So, this is the most important thing we should be careful to guard against.

I do not like that the majority linguistic group should sacrifice their language, but at the same time the minority linguistic groups also should be given some protection. The States Re-organisation Commission's report has said on page 216:

" . . . we wish to emphasise that no guarantees can secure a minority against every kind of discriminatory policy of a State Government . . . Therefore, if the dominant group is hostile to the minorities, the lot of minorities is bound to become unenviable."

This is the position of the linguistic minorities in most of the States. This is the greatest danger to our national integration.

Yesterday one hon. Member from the Tribal areas of Assam spoke in vehement terms. We may not like the tone or vehemence of his speech, but I think the House will agree that there is sincerity in his speech and that he has spoken from his own personal bitter experience. His language may be somewhat strong. His vehemence we may not like, but surely we cannot dismiss his speech without any consideration. That requires serious consideration from the Government.

A few months ago a Muslim Convention was allowed to be held here, per-

[Shri A. C. Guha]

haps with the blessings of some big persons of this Government. That was a great mistake, I should say. This is, I think, the beginning of a new chapter in Indian political field. I am sorry to say that certain speeches were made by responsible hon. Members of this House in that Convention which were not at all desirable and which I did not expect from such senior hon. Members of this House. It will be an utter negation of truth to say that the Muslims in India have been reduced to the status of sub-citizens or second-rate citizens. They enjoy all the privileges of Indian citizenship and the highest positions in the country have been kept open to them. Posts of Governors, High Court judges, ambassadors and every other post has been kept open to them. There is no bar to them. But I can agree that in the lower level there may be some discrimination. But that is not only because of religion. Such discrimination occurs even on the basis of caste, language and religion also. If you go to any office, you will find that if the head of the department belongs to a particular caste, language, province or religion preference is given as regards appointment and even promotion to people belonging to his caste, religion, province and language. That is a thing which is very prevalent and common in the administration. That, I think, is a very disintegrating factor in our Indian administration. Much of the spirit of separatism develops from this administrative discrimination on the score of caste, language, religion etc. That is also a point which the Government should consider.

Coming again to this Muslim Convention, the immediate result of this Muslim Convention, is the revival of the Muslim League in different parts of the country. U.P. was perhaps the spearhead of the demand for Pakistan. It was not Punjab. It was not Bengal. Bengal resisted the demand for Pakistan for a pretty long time. Punjab also resisted the demand for Pakistan for a pretty long time. Bengal we

under the Krishak Praja Party administration then and Punjab was under the Union Ministry's administration. It was U.P. which was the spearhead of the demand for Pakistan. Now again we find in the papers that the Muslim League has been formed in U.P. and is going to contest a number of seats both for the local Assembly and for Parliament. It is an ominous development and Government should not take it easy. They should see what can be done.

I am not in favour of putting an omnibus ban on all communal organisations. It will be very difficult to define a communal organisation. Which organisation is communal and which is not is very difficult to define. Simply the name cannot justify any political party being communal or secular. Under the garb of the name there may be many other things. So, it is not so easy. But still the Government should be careful about this revival of the Muslim League in many parts of the country, particularly in U.P., and in Kerala.

There were some rumblings in West Bengal also. Fortunately communalism has never thrived in Bengal as much as it has in other States. Neither the Hindu Mahasabha nor the Muslim League, I hope, will have much influence in Bengal. As the last two elections have shown the Hindu Mahasabha has never been able to capture any seat in West Bengal.

13.07 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

There is a talk about a Hindu Convention. I think the Hindus of India are in a secure position. They can afford, for some time at least, to take a generous view of the minorities, even of some of their undesirable activities. I hope the Hindus will not hold any such Hindu Convention just to make a counter-show against the Muslim Convention. That will not be quite to the dignity of the Hindus of India.

In certain parts of Bengal and Assam there have been some undesirable activities for some time. Pro-Pakistan leaflets, banners and other things have been found in possession of a number of persons. I wish the Government had taken some stern action on the find of such things. Only about two or three years ago, I think, a sort of a large religious congregation of Muslims squatted on the streets of Howrah for hours together.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri A. C. Guha: They were shouting 'Pakistan Zindabad' slogan. The Government did not take any action to disperse the crowd in time. I think the Government should not have shown such weakness in these matters.

Since you have rung the bell, I shall try to conclude my speech. As regards the provisions of this Bill, I do not feel that this Bill, as I have stated earlier, will much improve the position of the Government in regard to legislative measures. The existing section 153A gives all the authority that the Government requires. In the amendment they have only spotlighted the grounds, namely, promotion of communal hatred and other things. Religion, race, language, caste, community—only these four or five points have been spotlighted in the amendment; otherwise, I think, the amendment does not give any greater authority to the Government than what is already existing under section 153A.

The increase in the punishment from two years to three years is not of much significance. I do not know why they have said in the last line of this amending clause "shall be punished with imprisonment which may extend to three years, or with fine" That means a judge can simply impose a fine and not give any sentence for imprisonment. I think that alternative should not be there. It should be surely imprisonment. Fine may or may not be there. I think the hon. Minis-

ter will look into this and see whether 'or' could be changed into 'and'.

I would request the hon. Minister to see if he could retain the Explanation to the existing section 153-A. This Explanation is the safety valve for the expression of genuine grievances. As has been stated by Shri Naushir Bharucha, even the statement of the Prime Minister made of course on the floor of the House, is beyond the jurisdiction of any court or authority.

Shri Naushir Bharucha (East Khadesh): What I meant was, it would attract the mischief of the section if it had been made outside the House.

Shri A. C. Guha: Had it been made outside, it may have come within the mischief of the amending Bill, unless this Explanation is there. I hope he will see if he could retain this Explanation. Expression of genuine grievances should not be made punishable. The executive should not be given any authority to punish persons for giving expression to genuine grievances.

Mr. Deputy-Speaker: Shri Ranga, five minutes or ten minutes.

Shri Ranga (Tenali): I will take two minutes.

Sir, I am not in favour of this House passing this Bill at this stage. I would rather that it should be sent into circulation so that we would be in a better position to know the mind of the people as expressed through various organisations before we proceed with passage of this Bill. The Bill seeks to give much more power than has already been given by an earlier Act to the executive. So much depends on the manner in which the executive will be enforcing this law. We have come to a stage, as was mentioned by Shri Tyagi yesterday, when we cannot be quite sure that the Government of the day either in the States or here, would implement, would enforce this legislation in an entirely impartial, effective, constructive manner.

[Shri Ranga]

Only the other day, one of my comrades and respected colleagues, the head of the Swatantra Party in the Punjab was taken into detention. Until now, the grounds on which he has been detained have not been published. Efforts were made by so many of us to obtain the grounds and we have not been vouchsafed with the information. So much so, it has not become possible for us even to move for *habeas corpus* writ for Sardar Udharn Singh Nagoke. He has had nothing to do with Akali Punjabi Suba agitation as it is being organised and carried on. He was carrying on our party's work. He was maintaining liaison between our party and those who are associated with our party, Master Tara Singh and those friends of us. For the sin of that, he has been clapped into jail. We do not know why. The Government does not care to give us the reasons. I have sought permission through my hon. friend the Home Minister here to interview him. That permission has not so far been given. Neither the Punjab Chief Minister nor the Home Minister here is in a position to know why such a permission ought not to be given to me and has not been given to me and why the friends of Sardar Udharn Singh Nagoke have not been given the reasons for which he has been detained and in that way, to move the Supreme Court or the Punjab High Court for *habeas corpus*. If this is the manner in which these laws are to be enforced in our various States, how can we be expected to repose so much confidence in them and in their sense of impartiality as to place this additional power also in their hands, that too, just in advance of the elections?

One would have understood if a legislation like this had been brought forward soon after the general elections, so that the country would have four years time to know how this legislation would be enforced. It would have been open to any Member of the House to bring forward an amendment to the Bill in order to

avoid the mischief or the wrong manner in which the Government behave. Now, we have no opportunity at all to know how the Government is likely to behave at the time of the next elections. My hon. friend from the Tribal Areas warned the country yesterday. My hon. friend Shri A. C. Guha also warned the country that the minorities have got very many grievances and therefore, would have the necessity to ventilate their grievances and they should not be brought within the mischief of this legislation, and that they should not be brought within the mischief of the legislation merely because they used certain words or make certain gestures or behave in some manner which would upset the local officers concerned or local Ministers or legislators who would have influence with the Ministers. It would upset them to such an extent that they would invoke the aid of this legislation and they would all be clapped in jail and even long before they are clapped, many more will be prevented from carrying on legitimate espousal of the cause. We do not know how it will be enforced. That is the fear. That is the reason why I am not able to associate myself with this Bill.

Many more things can be said. Many hon. Members have already urged almost all those reasons that can be urged in opposition to the Bill as it is sought to be passed at this stage. Therefore, in conclusion, I would only like to say this. If the hon. Home Minister and the Government are keen on preventing communalism from playing a major role, a destructive role, a perverse role at the time of the the next general elections, what they ought to do is not to proceed with this or similar Bill, but to call a conference or series of conferences if necessary, of all the leaders of the various political parties and others associated with them and various organisations also and try to find a formula by which they would be able to get the general consensus of agreement as between themselves to prevent com-

munalism from being exploited or pitch-forked into vicious prominence, at the time of the general elections. That would be much better than this. I do not think this is likely to serve that very purpose. On the other hand, it can be mis-used and mis-used badly, because we have very many people placed in very high authority and power who cannot be said to be behaving in a responsible manner.

श्री रामसेवक यादव : उपाध्यक्ष महोदय, यह जो संशोधन विधेयक गृह मंत्री महोदय ने रखा है उसका उद्देश्य साम्प्रदायिक तथा अलग-अलग की प्रवृत्तियों को रोकना है चाहे वह धर्म, जाति, भाषा, सम्प्रदाय या कोई अन्य आधार पर हो। इस विधेयक का उद्देश्य यह है कि मुल्क में तोड़फोड़ और अलग-अलग बढ़ रहा है और मुल्क की एकता को जो धक्का लग रहा है उसको रोकना है और उसका कारण भाषा विवाद, साम्प्रदायिकता और धर्म इत्यादि बतलाये गये हैं।

उपाध्यक्ष महोदय, मैं गृहमंत्री महोदय जानना चाहता हूँ कि क्या जो इस देश में विभिन्न धर्मों के लोग रहते हैं, जाति प्रथा इस देश में चलती है और अलग-अलग भाषाओं का सवाल है, तो इन तमाम समस्याओं का हल कोई इस तरीके का कानून बना कर और लोगों को जेल में ठूस देना है? यदि मौजूदा कानून बन जाता है तो मैं तो यहीं कहूँगा कि सीधे सीधे जनतन्त्र को इस देश में जबरदस्त खतरा पैदा हो जायगा क्योंकि जनतन्त्र का एक उपयुक्त हथियार अगर कोई हो सकता है तो वह बोली ही हो सकती है परन्तु इस कानून के जरिये हम बोली को बंद करने जा रहे हैं।

अब मैं निवेदन करता हूँ कि जैसे इस देश में अंग्रेजी भाषा का सवाल है और दूसरी भाषाओं का सवाल है सब से पहले तो हमारी ही पार्टी इसका जिक्र बन सकती है क्योंकि सोशलिस्ट पार्टी चाहती है कि

अंग्रेजी का सार्वजनिक प्रयोग समाप्त किया जाये और इस सिलसिले में सोशलिस्ट पार्टी कुछ दलीलें देगी, बहस चलायेगी और भाषण होंगे और उनको लेकर यह कहा जा सकता है कि यह तो नफरत फैला रही है और अलग-अलग फैला रही है लिहाजा सोशलिस्ट पार्टी वालों को इस तरीके से बंद कर दिया जाय? अब क्या यह जनतन्त्र के उपयुक्त होगा? इसी प्रकार अध्यक्ष महोदय, इस देश में मुस्लिम धर्मों के लोग रहते हैं और वह मुस्लिम धर्मों के लोग अपने अपने धर्मों को बढ़ाने के बारे में कुछ निखेंगे, कुछ चर्चाये चलायेंगे, बहस करेंगे और अगर हम यह कहें कि इस से देश में विघटन बढ़ रहा है, इसलिये उनको जेल में ठूस दिया जाये, तो क्या नतीजा निकलेगा?

इसी तरह आज देश में जाति-प्रथा कायम है और उसके आधार पर हरिजनों को पूरे अधिकार नहीं मिल रहे हैं। कई सार्वजनिक स्थान ऐसे हैं, जहाँ लोग स्नान करते हैं, और पूजा के स्थानों पर उन को नहीं जाने दिया जाता है। यदि दबे पिसे हुए हरिजन इस व्यवस्था के खिलाफ लड़ाई करते हैं और इस हेतु अपने भाइयों के खिलाफ तर्क करते हैं, दलीलें देते हैं, बहस करते हैं, तो उनको यह कह कर जेल भेज दिया जायेगा कि इस से जातिगत और धर्मगत द्वेष फैलाया जाता है। मैं यह निवेदन करना चाहता हूँ कि सरकार की ओर से जिस उद्देश्य और लक्ष्य का जिक्र किया गया है, उस की प्राप्ति कानून के द्वारा कभी भी सम्भव नहीं है। अगर मंत्री महोदय यह चाहते हैं कि वह उद्देश्य प्राप्त किया जाये, तो मैं निवेदन करना चाहता हूँ कि वह इन समस्याओं के कारणों को खोजें।

जहाँ तक सम्प्रदायवाद का सम्बन्ध है, सारे देश में यह खत्म हो गया है कि राजनीतिक दल साम्प्रदायिकता को चुनाव जीतने का हथियार मान कर इस्तेमाल करते हैं। इस सम्बन्ध में खतासद दल की व्याख्या

[श्री राम सेवक राव]

ज़िम्मेदारी है, किन्तु जितनी ज्यादा उस की ज़िम्मेदारी है, उतनी ही ज्यादा साम्प्रदायिकता को निजी स्वार्थों की रक्षा के लिये और अपनी गद्दी को बनाये रखने के लिये इस्तेमाल किया जाता है। मैं आप के सामने एक उदाहरण रखना चाहता हूँ। स्वतंत्रता-प्राप्ति के अवसर पर हिन्दुस्तान और पाकिस्तान देश के दो हिस्से बने। उस के बाद बराबर यह कोशिश की गई कि किसी तरह हिन्दू और मुसलमान आपस में मिल कर चले और अपनी पसन्द के मुताबिक सियासी जमायतों में शामिल हों, ताकि अलगाव खत्म हो। लेकिन यह देखा जाता है कि जब एक दिशा की ओर हम बढ़ते हैं, तो देश में ऐसी घटनाएँ होती हैं और ऐसे काम किये जाते हैं, जिन से उा अभीष्ट में रोक लग जाती है और हम अपने उद्देश्य को पूरा नह कर पाते हैं। यहां पर साम्प्रदायिकता का जिक्र किया जाता है, लेकिन जब केरल में कांग्रेस को गद्दी से हटा दिया गया, तो उस गद्दी को हासिल करने की इच्छा के आधार पर मुस्लिम लीग के साथ, जिस के बारे में हिन्दुस्तान का हर एक आदमी जानता है—और खासकर कांग्रेस को तो इस बात की ज्यादा वाकफियत होनी चाहिये—कि उस ने मुल्क का बंटवारा कराया था, चुनाव-समझौता किया गया। वह समझौता होने और सत्तारूढ़ हो जाने के बाद प्रधान मंत्री ने कहा कि हम ने मुस्लिम लीग का विधान ही नहीं पढ़ा था, इसलिये हम ने उस के साथ समझौता कर लिया। कल माननीय सदस्य, प्रोफेसर मुकजी, ने बताया था कि किस तरह मुस्लिम लीग का का मेम्बर वहां पर स्पीकर बनाया गया यह कह कर कि उस ने मुस्लिम लीग से इस्तीफा दे दिया है। जहां तक मुस्लिम लीग का सम्बन्ध है, उस की ओर से यह कहा गया कि यदि हमारे सदस्य के स्पीकर बनने के रास्ते में मुस्लिम लीग की मेम्बरशिप हमसल है तो हम उन को इस्तीफा देने की इजाजत

दे सकते हैं। इस स्थिति में क्या मैं यह पूछ सकता हूँ कि क्या यह कानून ईमानदारी पर आधारित है ?

दिल्ली में जो मुस्लिम कनवेंशन हुआ, उस में कांग्रेस दल के सारे मुस्लिम सदस्य शामिल हुए और उस के बाद उन्होंने प्रधान मंत्री महोदय को एक मेमोरेण्डम दिया, जिस के बाद उन्होंने यह बयान दिया कि प्रधान मंत्री ने बहुत ही गौर से हमारी बातों को सुना और वचन दिया कि हम इन चीजों को देखेंगे। इस विषय में कांग्रेस दल का एक ही उद्देश्य है। मुसलमान भाई जिस किसी तबके से ताल्लुक रखते हैं, उस के मुताबिक, अपने अपने मफाद की हिकाजत करने के लिये मुस्लिम सियासी जमायतों में, पोलिटिकल पार्टियों में, इन्ट्रेट हो रहे हैं, जिस का परिणाम यह होगा कि अब कांग्रेस को वोट नहीं मिलेंगे। उन को किसी झंडे के तहत इकट्ठा कर के उन के कुल वोट पा कर अपनी गद्दी को मजबूत करना ही कांग्रेस का उद्देश्य है।

यदि सरकार का उद्देश्य राष्ट्रीय एकता है, तो मैं निवेदन करना चाहता हूँ कि वह राजनैतिक दलों की एक आचार-संहिता तैयार करे। मोशलिस्ट पार्टी उस में शामिल होने और पूरा सहयोग देने के लिये तैयार है, लेकिन उस के लिये यह कीमत चुकानी पड़ेगी, जो कि कांग्रेस दल के हिसाब से बहुत बड़ी कीमत समझी जायगी, कि सब मे पहले केरल में मुस्लिम लीग से रिश्तानाता तोड़ना पड़ेगा। गांधी जी की पुण्य जन्म तिथि के अवसर पर २ अक्टूबर को हम हरिजनों को ले कर जायेंगे अगर ऐसा नहीं होता है, तो उस उद्देश्य की प्राप्ति नहीं होगी।

जहां तक इस बिल का सम्बन्ध है, इस का सीधा धर्म यह है कि जो लोग यह चाहते हैं कि जाति-भेदा खत्म हो, वे इस बारे में

जाति-भ्रमा के समर्थकों से बहस करेंगे और जाहिर है कि इस में किसी को गुस्सा हो सकता है और उसी को आधार बना कर मंत्री महोदय और यह सरकार उन लोगों को जेल में भेजने का पूरा पूरा इन्तजाम करेंगे। इस का परिणाम यह भी होगा कि यदि कोई विरोधी दल का उम्मीदवार जीत जायगा, तो उस के चुनाव को भ्रंश कर दे दिया जायगा और उस को जेल में भेज दिया जायगा।

श्री जगदीश प्रसाद (बिलहौर) : छः साल के लिये डिस्क्वालिफाई भी कर दिया जायगा।

श्री रामसेवक शर्मा : मैं यह पूछना चाहता हूँ कि क्या इस मुल्क से अंग्रेजी भाषा को हटा कर इस देश की अपनी भाषाओं, मराठी, बंगाली, तमिल, तेलुगू, पंजाबी और सिंधी आदि को यहां पर राज्य कराना, उन में सार्वजनिक काम चलाना, उन के लिये दलील करना, मीटिंग करना, प्रखबार छापना, मंगल बनाना देश के लिये अहितकर है। क्या यह देश-द्रोह है? लेकिन होने यह जा रहा है कि अंग्रेजी को प्रतिष्ठित करने के लिये उन मस्थाओं को जेल में ठूस दिया जायगा, जोकि अंग्रेजी को हटा कर सरकारी काम को हिन्दी में चलाने के समर्थन में प्रचार करती हैं।

मैं निवेदन करना चाहता हूँ कि यह देश बिचित्र है, इसमें अलग अलग भाषायें और हैं। जब तक ऐसा रहेगा तब तक उन से उत्पन्न समस्याओं को हल करने के लिये शान्तिपूर्ण रास्ता ढूँढना होगा, समझा बुझा कर कोई उचित तरीका ढूँढना होगा, लेकिन उस के बजाये यह कानून का तरीका अपनाया जा रहा है। मैं माननीय गृह मंत्री जी की एक मिसाल देना चाहता हूँ। अभी हम राजस्वान में सीकर जिले में स्थित मजिस्ट्रेट हारने पर गये थे, जहाँ पर खोम प्राय और पर स्नाम

करते हैं और मेला लगता है और हरिजनों को वहाँ नहीं जाने दिया जाता है, महात्मा गांधी की पुण्य जन्म-तिथि के अवसर पर, १० अक्टूबर को गये थे। वहाँ पर सबर्ण हिन्दू कहते हैं कि अगर हरिजन आयेंगे, तो हम उन को मारेंगे, कूटेंगे। इस तरह के अधिकारों की प्राप्ति को लेकर बहस चलेगी। हम जन-साक्षिक हैं, हम अहिंसा में विश्वास करते हैं, गांधीजी के रास्ते पर चलते हैं। हम हथियार नहीं उठावेंगे, कंकड़ी नहीं फेंकेंगे, लेकिन अपने पक्ष के समर्थन में दलील देंगे और जनमत को प्राप्त करेंगे। लेकिन उस स्थिति में सिवाये जेल का दरवाजा देखने के हमारे लिये कोई रास्ता नहीं होगा।

इसलिये मैं चाहूँगा कि इस महत्वपूर्ण कानून को इस प्रासानी के साथ, इतनी तेजी के साथ पास करने की कोशिश न की जाय। इस में भाषा और जाति आदि जिन बातों को अपराध का आधार बनाया गया है, उनसे सारा हिन्दुस्तान प्रोत-प्रोत है। उस आधार पर लोगों को जेल भेज कर एकता कायम करने के बजाय अनेकता को कायम करने की बात है। इससे और बिचटन होगा और जनतन्त्र की मर्यादायें मिटेंगी और, जैसा कि हमारे किसी साथी ने कहा है, यह एक काला कानून होगा।

इन कारणों से मैं इस विधेयक का विरोध करता हूँ।

Shri Lal Bahadur Shastri: Mr. Deputy-Speaker, Sir, I have listened to the speeches of hon. Members with careful attention, and I must say that although there has been some criticism of this Bill, it has been generally said that the principles on which the Bill is based are sound, and they should be generally acceptable to all, specially to political parties. There is some difference of opinion on certain clauses, especially about the omission of the explanation which was provided in the original section. Some other objections have also been raised. I shall go into them a little later.

[Shri Lal Bahadur Shastri]

I am a bit surprised that there should be a demand for the circulation of this Bill for eliciting public opinion. The problem of communalism or casteism or provincialism is nothing new for us. This bane of communalism has been here in this country for many many years. But formerly it was mostly due to the then foreign Government which essentially believed in the divide-and-rule policy. But I hesitate to say so, because there is no point in criticising them when, even after 14 years of independence, we find that those feelings and sentiments still persist in one form or the other. Besides communalism, it is most unfortunate that certain other fissiparous tendencies are also raising their heads, whether it is casteism or provincialism or, during the recent past, if I might use the word, linguism. I am quite sure that the whole House fully realises the gravity of the situation in so far as these disintegrating tendencies are concerned.

This matter has been discussed off and on in this House, and there has been a demand from this House that Government should take effective action against communalism and other disintegrating forces. It has been discussed in several State legislatures, and the House is aware that this matter was recently discussed in the conference of the Chief Ministers more than once; and the general opinion was that we should do something and move in the matter as early as possible.

Shri Vajpayee some time back had raised the question and asked me whether the proposal for bringing up a measure for declaring certain communal organisations as unlawful had been considered or not, what decision Government had taken on that particular matter. As I said before, we have given thought to that question, but, as I have said before, there are various aspects of the problem which should

be carefully considered before we come up to this House or before Government comes to a final conclusion.

In fact, I thought the House would appreciate our approach. We do not want to go the whole hog in the matter, and I am not quite able to appreciate what Shri H. N. Mukerjee meant when he said that a more comprehensive Bill should have been placed before this House. His wishes would have been perhaps fulfilled if we had come up with a Declaration of Unlawful Associations Bill or something like that, but we have not done so, and it should not be misinterpreted. Of course, as I said, we have positively to consider various aspects, but secondly, in view of the forthcoming elections, if any such measure is brought before the House,—and frankly speaking, I do not rule out that kind of measure at all—if anything is done on those lines at the present moment, I have no doubt that especially the Members of the Opposition, and the Opposition parties, will bring up or level the charge that the Government is deliberately doing it in order to put themselves in an advantageous position.

So, we did not do that, and we have merely come up with a restricted amendment of the Act with a view to take action against individuals, and not against organisations, individuals who meddle in communal or caste or linguistic politics. If they behave or act in a manner which creates enmity and hatred between community and community or between different classes of people, there should be some power with Government to take action against them. If any individual behaves in that manner, I think the House will lend full support to Government that action is taken against him, so that his improper activities are counter-acted.

Why do we come up with this Bill? As the House is aware, there was the Criminal Law Amendment Act of

1908 under which, I think, any organisation could be declared unlawful. This Act was declared *ultra vires* by the Madras High Court, but later on it was upheld by the Supreme Court. There was section 124A of the Indian Penal Code, which was also declared *ultra vires* by some High Court

An Hon. Member: Punjab High Court.

Shri Lal Bahadur Shastri: Punjab High Court. I said some High Court. They doubted the validity of that provision. Personally speaking, I do not feel unhappy over it that the High Court and the Supreme Court should have come to that decision, because conditions have entirely changed, and in the present context the parties and the Members of the Opposition and others are free to speak against the Government, criticise the Government for its failings and for taking other legitimate action.

Shri Jagdish Awasthi (Bilhaur): Against the English language also?

Shri Lal Bahadur Shastri: I am now talking of Government. I am saying that the hon. Member is free to criticise us, condemn us, for all failings, for the failings of Government. So, those powers needed are not there, and we have now to face the existing or present situation in which, as I said before, these tendencies are on the increase.

It is said that Government is guilty in this regard. That is what Shri Guha just now said, but he should not forget his own responsibility. I am prepared to accept our failings, but as an old leader and old guard of the national movement, Shri Guha has no less responsibility than a Minister who sits on these benches. The organisation of which he is a distinguished member may not have succeeded—and he is a member and I am also a member—and I venture to say that the leaders of the Opposition groups have also failed.

Shri Tyagi (Dehra Dun): More.

Shri Lal Bahadur Shastri: because it must be admitted that we

have not been able to remove the vicious feeling that existed before and exists today in the minds of the different communities. Unfortunately, as I said, in certain matters it is on the increase, because formerly the language problem did not rouse such passions.

There was a good deal of casteism before. There were caste organisations also but on account of elections it seems that caste feelings are also on the increase. May I ask the House whether it is not time for us to move at least to some extent in this direction to counteract and check it? I shall read out what the Constituent Assembly, in 1948, had passed. It said:

“Whereas it is essential for the proper functioning of democracy and the growth of national unity and solidarity that communalism should be eliminated from Indian life: This Assembly is of opinion that no communal organisation which by its constitution or by the exercise of discretionary powers vested in any of its officers or organs admits or excludes from its membership persons on grounds of religion, race and caste or any other . . .

I will not read the whole of it. At the end, they say:—

“All steps, legislative and administrative, necessary to prevent such activity should be taken.”

So, the Constituent Assembly has directed that all steps, legislative as well as administrative, necessary to prevent such activities should be taken. (*Interruption*). That is the the Resolution of the Constituent Assembly passed in April, 1948.

Shri Tyagi: The emphasis was on ‘administrative’.

Shri Lal Bahadur Shastri: Administrative as well as legislative. The words are there. How can you emphasise the one rather than the

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other? I know all administrative action has got some sanction behind it.

Shri Hynniewta (Autonomous Districts—Reserved—Sch. Tribes): May I ask the hon. Home Minister why that Resolution of the Constituent Assembly does not find a place in the Constitution?

Shri Lal Bahadur Shastri: All administrative acts have got sanction behind them, and the sanction is that of law. No administration can function unless there are adequate legislative measures for it to enforce their administrative orders. Therefore, in this background, I am surprised at the motion that this Bill should be sent out for circulation for obtaining public opinion.

The other suggestion made by Shri Mukerjee was that it should be postponed for two reasons. Firstly, he said that there is the National Integration Committee which is still meeting and has yet to submit its final report. Secondly, it might be brought up some time later when it has been further discussed and considered amongst a group of people or between Government and others.

In so far as the National Integration Committee is concerned, I am not quite certain—I did make enquiries only this morning and I was told that the later report, the printed copy of which was sent to me also is the final report—it perhaps is the final report the Committee. It is a different matter that the National Integration Committee continues to exist and meets from time to time, and discusses matters and makes further suggestions. But, the suggestions apart, what is more important for the National Integration Committee is to see that their recommendations which have been accepted by Government are implemented. So, it is specially for that purpose that the National Integration Committee continues to function; and it should continue to function. But

they have dealt with almost all the major points and they have been embodied in the final report they have given to the AICC, a copy of which has also been received by Government.

Shri H. N. Mukerjee (Calcutta-Central): May I ask if it is not merely an interim report which the Committee has submitted? And the idea of an interim report itself implies that it will be finalised—perhaps it may take not too long a time.

Shri Lal Bahadur Shastri: I do not know. I enquired from Shri Sadiq Ali, the General Secretary of the AICC, who is, perhaps, also the convener of this Committee; and he himself has indicated to me that in the sense that the report has been submitted to the Working Committee and approved by them and later on considered by the Conference of Chief Ministers and approved by them also, in that sense, it is final. That is what he has informed me.

Shri Vajpayee (Balrampur): May I ask a clarification, whether this Committee has been convened at the instance of the Prime Minister in his capacity as Prime Minister or has it been convened by the Congress Party?

Shri Lal Bahadur Shastri: It was convened at the time of Bhavanagar Congress and by the Congress and not by the Prime Minister.

Pandit J. P. Jyotishi (Sagar): Does not an interim report say the very necessary things that are to be implemented? Are not things suggested in the interim report the things in which we do not want delays?

Shri Lal Bahadur Shastri: As I said, almost all the major points have been covered in that report and I have nothing further to add to that.

The second point of Shri H. N. Mukerjee is postponement of the Bill.

My difficulty in that is that if we postpone it we will have to bring it in the November-December Session. If we bring it then, if not Shri Mukerjee, some of his other colleagues on the opposite side will get up and charge us with having deliberately brought it just on the eve of the elections in order to create difficulties for them. So, if something has to be done it has to be done here and now in this session.

I, therefore, consider it very advisable that we should consider this Bill now and the House should give its approval.

In so far as the objection that section 153A is sufficiently wide—and it was said that no change is really required—it has to be realised that the difference between the original section and the present one is that it definitely points out to caste, community, religion and language etc., which was not there. In fact, we want to restrict it to these specific matters and not make it as wide as before. It has to be remembered that in olden days this section 153A was generally used for a different purpose. We cannot have that purpose in view, in the context of the broad and radical changes we want to bring about in the present social order. It is, therefore, essential that propaganda and conflict in regard to matters like caste, community and religion etc. should be specifically laid down.

Shri Tyagi: May I just enquire whether there is any High Court or Supreme Court ruling to say that these caste, community and religion are not covered by the old section 153A of the Code? What was the justification for a change if these were covered already?

Mr. Deputy-Speaker: That is the reply given by the hon. Minister. These were included and there were certain other things also covered and they want to exclude them.

Shri Tyagi: Shall I take it that the offences committed on other grounds

will be excluded? I want the Minister to say whether if these were covered there was any difficulty in any prosecution in that respect or is there any ruling.

Shri Lal Bahadur Shastri: If he will see clause (a) of section 153A, he will find that it mentions religion, race, language etc. or any other ground whatsoever. So, other things are not really different. Our purpose is pointedly to bring out these things—communalism, etc. so that people may know.

Shri Tyagi: My point is this. Was it not covered already under 153-A?

Shri Lal Bahadur Shastri: Generally, it was covered. It has to be pinpointed. 153-A of course in a sense was meant to deal with class conflicts and class struggles. Tyagiji will remember that in the old days it was used against those Congress workers who agitated for the abolition of zamindari. In that context it was used and also for different purposes. Formerly, it was made to cover hatred between different classes of citizens of India. Nothing was mentioned about communalism or casteism. They were very particular at that time to nip in the bud any kind of class conflict. Similarly, in this Bill we want to pinpoint these things on which we want to lay emphasis. I said that in the present context it is necessary. If there is violence in any case, action will have to be taken.

Mr. Deputy-Speaker: The scope of this Bill is as wide as the previous section in the Indian Penal Code? That is what the hon. Members want to know. Has it been narrowed down in certain things or has it been made broader to include more things that were not there before.

Shri Tyagi: Classwar has been accommodated; if there is economic dispute that has been excluded. . . .
(Interruptions).

Shri Tangamani (Madurai): The old section included communal cases also.

[Shri Tangamani]

There are so many judgments to show that. If there was, for instance, a campaign against Muslims or their practices, that came under the mischief of 153-A.

Shri Lal Bahadur Shastri: I never said it did not. In the old days it was generally used for other purposes also; sometimes it was used against those who promoted communal disharmony or enmity.

Shri Raghbir Sahai: Tyagi himself was convicted under section 153-A.

Shri Lal Bahadur Shastri: That is very good.

Shri Tyagi: That is very good? I thought you would sympathise with me.

Mr. Deputy-Speaker: Would that sympathy be of any avail now?

Shri Lal Bahadur Shastri: In those days no sympathies were shown to those who went to jail. But all I say is that the powers which were there still remain. Certain things have been specified clearly; that is what I wanted to emphasise.

The second point is about the sentence provided for; it has been increased from two years to three years. The idea mainly was to make it a little more deterrent. After all it is for the courts to decide as to what punishment should be awarded.

Shri A. C. Guha: The decision of the courts may mean imprisonment or fine or both.

Mr. Deputy-Speaker: That is the usual theme in the whole of the Indian Penal Code.

Shri Lal Bahadur Shastri: It is always left to the discretion of the court whether punishment should be heavy or light.

There has been some criticism over the omission of the explanation. Our intention in omitting the explanation is with a view to cast the responsibility on the offender to prove that his intentions were not mala fide or malicious.

Shri A. C. Guha: In the amending clause, there is no question of motive; it speaks only of results; no question of intention is there.

Shri Lal Bahadur Shastri: It has been argued in this House by several hon. Members that if any person speaks or writes in order to express his grievances which pertain to his community or caste, he should have the freedom to do so and it was said that this explanation which was there gave protection to such persons but now it has been removed and therefore no protection was left. It may cause some doubts and misapprehensions. But I shall frankly say how our mind works. We feel that in this matter the responsibility should be on the offender to prove his intentions were bona fide. As has been said before, many hon. Members thought that even this Bill would not prove effective. If that is the general feeling of the House, the House should certainly lend its support to the omission of this explanation because it throws the whole responsibility of proving the innocence on the offender.

I do not want to accuse anybody but good people are not prepared to come forward for giving evidence even in right cases. I can quite understand people not going to give evidence in wrong and fabricated cases; they should not. I do not think it is the practice in other countries, instead good people of the society offer themselves and welcome the opportunity to appear before the court in order that the wrong person may be punished. Here it has been exceedingly difficult to get good witnesses. Sometimes the police is criticised and condemned that it has its own dalals and regular witnesses who

come and appear before the courts. Either we want to be effective or do not want to be so. The House has to decide this question. If you want to be effective, heavens are not going to fall. It is a bailable offence; he can come out on bail and defend his case in the court and it is for the court to decide whether the man is right or wrong. It was felt that if we wanted to be really effective, we would have to cast this responsibility on the person against whom a chargesheet is brought forward.

Pandit Thakur Das Bhargava: So far as that person is concerned, the courts will be quite ineffective. Suppose you find a man has got good motive and good intention, even then conviction must follow. Courts cannot help him.

Shri Tyagi: I think to allay the misunderstandings. I should appeal to the Home Minister to agree to keep the explanation as it is, because it is not harmful at all.

Shri A. C. Guha: In the amending Bill there is no mention of "intention".

14 hrs.

Shri Naushir Bharucha: I was asking for the insertion of the words, "maliciously promotes." But will he at least accept the words, "whoever intentionally promotes."

Mr. Deputy-Speaker: Then the burden is changed. That would go against what the Home Minister has been arguing now.

Dr. Krishnaswami (Chingleput): It is the explanation.

Mr. Deputy-Speaker: That is a different thing. Shri Naushir Bharucha's amendment does change the stand of the Home Minister.

Pandit Thakur Das Bhargava: In the words, "attempts to promote", implicitly the intention must be proved. There is some ruling about it in the Bombay High Court.

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Shri Naushir Bharucha: Some courts may not take that view.

Pandit Thakur Das Bhargava: The general grievances also come into it. The courts are helpless, and they hold the person guilty, if that provision continues to be there.

The Deputy Minister of Law (Shri Hajarnavis): How is the intention to be proved? It is not the subjective condition of mind. It is to be inferred as the natural, probable consequences of the act.

Shri Naushir Bharucha: That comes later on.

Shri A. C. Guha: Then there is no question of intention.

Mr. Deputy-Speaker: That should make no difference. As far as Shri Naushir Bharucha's point is concerned, if "intention" stands, the burden is on the prosecution and the court would first ask the prosecution to prove it.

Shri A. C. Guha: This question may be deferred. It may be taken up tomorrow, or at 5 O'clock today.

Mr. Deputy-Speaker: We have to take up the clause-by-clause consideration today.

Shri Tangamani: May I say a few words about the explanation?

Mr. Deputy-Speaker: Well, if the hon. Minister yields every time, I have no option!

Shri Lal Bahadur Shastri: I have given my views in the matter, and I still feel that if we really want to be effective, we will have to give up this explanation. But those hon. Members who do not agree with it will get another opportunity when the clauses are discussed. They can speak at that time.

Much has been said generally that the Bill is being brought at this time, keeping our eyes on the forthcoming

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elections. I do not want to go into that aspect of the matter. But I do want to say that it is during the elections that political workers and political parties come into contact with millions of people. It is at that time very essential that communal or caste propaganda and other propaganda of that nature are not made. It is true that there can be propaganda made always. At the time of the elections however or just before the elections if, for the sake of winning the elections, we indulge in these things, we are unfair to the people as a whole. I do not say that we are absolutely faultless in this regard. Of one thing, of course, I have no doubt, and that is, in so far as fight against communalism is concerned, the Congress is by far the most superior organisation in the country. But in other matters, it is the Members of the Opposition who sometimes force its hands. For example, take casteism. The Members of the Opposition. I hope, will pardon me when I say that they have not got enough following in the country.

Shri Vajpayee: That is obvious. Otherwise we would not have been on this side.

Shri Lal Bahadur Shastri: Shri Vajpayee said so many things, but I do not know why he gets so much upset when I have to say something against his party and not against him. What happens is, in the constituencies where the Opposition finds itself in a weak position, it puts up a person belonging to a caste which has got a substantial population in that area.

An Hon. Member: The Congress Party also.

Shri Lal Bahadur Shastri: I have not denied it.

Mr. Deputy-Speaker: The other side has had the opportunity, when the Congress was accused. Now, it is this side. How can I stop that?

Shri Lal Bahadur Shastri: But we do not do it because we have support of other kinds in the country. We have the support of the people as a whole, and therefore it is possible for us to find a suitable candidate and to resist those candidates who belong to a particular caste or community. I was saying that the other parties being in a minority or with practically no following, seek every means to win over a particular constituency. It is therefore that I wanted to address this to Shri H. N. Mukerjee and his friends like those who sit on the other Benches; namely, to their creating a feeling of casteism and almost to some extent forcing our hands which is surely not good. In any case, I am quite sure that this measure is not going to impede or come in the way of any party or any organisation in so far as elections are concerned. But I am quite clear in my mind that the kind of propaganda which is being carried on at the present moment is really dangerous and it is being done only with a view to fight the party in power. If it is legitimately done, it is perfectly justifiable. If I show some handbills to Shri H. N. Mukerjee or to any Member of the Opposition, I am sure he will feel shocked: the kind of leaflets that have been printed and circulated even in Delhi. I cannot use words for this kind of notices that are circulated. We have seized them.

Shri Vajpayee: May I know whether action has been taken in regard to those notices?

Shri Lal Bahadur Shastri: Certainly action is being taken. He should know that all these leaflets have been confiscated and the persons concerned are being prosecuted. It will be very unfortunate if sober and sound Members like Shri Vajpayee do not see within their own parties what the individual members are doing. I do not say about his party; his party may be holding a particular opinion. But we should be honest within ourselves. I am prepared to be honest with myself and my party. The other parties who claim that their organisation

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is open to all should be vigilant enough to see within themselves and within their parties. Every party has to be self-critical. We must be prepared to see our own failings, and my complaint is that generally we do not do it. Especially the parties which are in the Opposition do not do it. They are prepared to level charges against others, but they are not prepared to see what they or their own members are doing. I am sorry I have gone into this question, but I merely wanted to assure hon. Members that this Bill has nothing to do with the elections at all. But I would forcefully put it, that I am equally clear that if communal or caste or other propaganda is carried on during the coming months, it must be checked and it should be prevented.

There is a fear that it would not be properly implemented. Shri Tyagiji raised that question. He referred to the Rampur case. But Shri Tyagiji has to remember that the Rampur case must have taken place under the present section 153A of which he is somewhat enamoured, because he does not like the amendment. So it is not the Act or the law, but it is the proper implementation of it that is very important. I am almost certain that because in these cases it would be certain political persons against whom action might be taken, the district authorities will be very cautious, very careful and will do nothing which might prove wrong because they are more afraid of the Members of the Opposition than the Members of this party. (An Hon. Member: Question) (Interruption)

Mr. Deputy-Speaker: Order, order. If there is a contest here then they are afraid of every side or they are not afraid of any side.

Shri Lal Bahadur Shastri: I have no doubt that there will be no misuse and this will be used as discreetly as possible.

There were a few small points raised by Shri Vajpayee, and Shri Mukerjee and others. I shall just refer to them. Shri Vajpayee referred to the

holding of the Muslim Convention. Someone said that it was held with the support of the Government. Of course, the Government did not come into the picture, but it is true that the Congress organisation was consulted. But the hon. Member knows what views have been expressed in regard to some of the statements made in that convention by the Congress leaders as well as the Prime Minister himself.

As regards the Hindu Convention, I do not know if it is going to be held and when it is going to be held. In any case, if it is held in any State it will be for that State to do the needful in the matter. I personally do not know what reason could there be for holding a Hindu Convention. Even if for a moment I may accept that the majority is feeling hurt on any matter, well, but the majority has to realise that whatever is being done by the Government here or in the State legislatures is being done with their passive or active consent. And, when the majority is governing or ruling the country, I do not know what they are going to do in holding a Hindu Convention, and what kind of discussions they will hold there. My feeling is that instead of creating a good climate in the country they will be creating a very bad one. On the one hand you criticise the Muslim Convention and ask why it was held and on the other, the several organisations who criticised it are now coming forward to say that they will hold a Hindu Convention. Therefore, I said in Srinagar that I do not approve of this idea. But as to what action will be taken and whether any action will be taken, it will all depend on the situation as it then prevails; of course, if it is held in any State it will be for the State Government to take what action it deems fit.

Shri Vajpayee might have seen what Mr. Golwalker had to say recently in connection with the Punjab affairs. I was also myself surprised to read his statement. What he had said did create some flutter in the Hindu Mahas-

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bha, I do not know whether it did so in the Jan Sangh.

Then, he also—I do not know whether I should go into that—referred to the Chief Minister of Madras having said that if any legislation had to be made against those who preached the division of the country or the formation or carving out of a separate independent State within India etc. Well, I am sorry, he has misinterpreted what the Chief Minister of Madras meant. I think the House will fully agree that those who preach or those who want to act in a manner which will divide the country further must be severely dealt with. Certainly, that kind of act or that kind of propaganda must not be tolerated, and Government will have either to legislate if necessary or take whatever action they deem fit. What the Chief Minister had said was that there is a party in his State which is indulging in that kind of activity, and I think he was quite fair when he said that as the elections are very near he wants to fight them on the political level and show it to the country and the State of Madras that that party did not command the confidence of the people of that State. I think instead of complimenting the Chief Minister Shri Vajpayee was unfortunately critical. I think the Chief Minister did the right thing. What he said was, if you want to legislate you may legislate but not at the present moment, so that it may not create a misunderstanding among them that they have been brushed aside in order that they are not able them that they have been brushed to fight the Congress in the forthcoming elections.

I have dealt with the Integration Committee. I shall not go into the question of the Muslim League of Kerala although it has been referred to a number of times. So that Shri Mukerjee will not get much angry I might only say that the Communist Party has been trying to woo the Muslim League for the last 20 to 25 years. During the last 10 or 15 years they have left no stone unturned to bring

round the Muslim League to their side.

Shri Indrajit Gupta (Calcutta-South West): You succeeded where we failed.

Shri Lal Bahadur Shastri: I do not think the Members of the Communist Party actually failed. They got their support, either moral or indirect support, when they formed their Government. So our difficulty is, of course I may be wrong—that when the Communist Party says that the Congress should dissociate itself from the Muslim League—of course, our policy has been made quite clear in this regard when the Congress President made a clear and unequivocal statement and the Prime Minister also said so—it really means that it will give an opportunity to Shri Hiren Mukerjee and to his colleagues—not Shri Tangamani—Shri Govindan Nair and others to bring it closer to them and create difficulties for the Kerala Government. Anyhow, I do not want to fall in the trap. I would, therefore, not say much on that.

श्री प्र० ना० सिंह (चन्दोली) : मुस्लिम लोग से कब तक आपकी दोस्ती चलेगी ?

श्री लाल बहादुर शास्त्री : उन दोस्ती के बारे में अपनी पालिसी बिल्कुल साफ कर दी है ।

Well, Sir, Shri Guha also said something about the Linguistic Minorities Commissioner. Some other points were also raised. I think it will take a long time if I go into them. About the point raised by Shri Guha I would merely like to say, that it is true and I am prepared to accept that the Linguistic Minorities Commissioner has not been very effective so far. My predecessor, the late Home Minister, in his own time, had written to the Chief Ministers of all the State Governments to see that the officers had met and spoke to him and he had held discussions with them—the recommendations of the Linguistic Minorities Commissioner should be given

effect to, carefully considered and as far as possible they should be implemented. During the last two or three months we have made further efforts to see that the reports of the Commissioner for Linguistic Minorities are taken into consideration by the State Governments in all seriousness and implemented. Things have considerably improved now and almost every Chief Minister and State Government has fully co-operated with the Commissioner for Linguistic Minorities. Yet, I do not say that I am fully satisfied with it. We will go ahead with the problems of the linguistic minorities with a view to solve them and with a view to help them. The recent meeting of the Chief Ministers has shown that the Government is very much in earnest about it.

Before I conclude, I might say that I entirely agree with the views expressed by the hon. Members of this House that it is not legislation which does the trick and, in fact, it is the general public opinion. In fact, no legislation can really be effective unless adequate public opinion is there to support it. So, it is much more important that we should strain ourselves to the best of our capacity to create the necessary public opinion in regard to these matters. If the necessary public opinion is created; I would be really happy if the provisions of this Bill are not enforced or the authorities do not get all opportunity to implement it.

I say that there can be no better opportunity for that than the coming 6, 7 or 8 months when the elections are going to be held. Some one has referred to the code of conduct. Again, code of conduct is more or less like a legislation. It is a legislation mutually agreed upon. I have learnt that some code of conduct was prepared in a particular State. Just after two or three days, I read the speech of a member of one of the parties in that State which was full of venom, poison, containing all kinds of charges. I do not know what kind of code of conduct has been framed in that State. So,

either you make a code of conduct or draft a legislation, the real effectiveness can come only when the Hon. Members of this House are with it and are prepared to lend their full support to it. Because, if the hon. Members of this House will create the necessary atmosphere and climate, I have no doubt that the whole country will adopt their views and will not act in a way which will create disharmony or disaffection among the people. I say that if we do not move in the right direction at the present moment, posterity will condemn us. So, it is high time that we realised our grave responsibilities and did everything possible to help the Government to effectively check these tendencies which are rather on the increase. I do hope that in these circumstances the House will give its unanimous support to this Bill.

Mr. Deputy-Speaker: I will put the circulation motion first. I was given to understand that some hon. Members are pressing for a division on that motion. So, I will take it up at 3 O'clock. Meanwhile, we will proceed with the next business.

14.24 hrs.

NEWSPAPER (PRICE AND PAGE) CONTINUANCE BILL

The Minister of Information and Broadcasting (Dr. Keekar): I beg to move:

"That the Bill to continue the Newspaper (Price and Page) Act, 1950, be taken into consideration."

The Newspaper (Price and Page) Act, which was passed by this House and the Rajya Sabha in 1950, resulted from the recommendations of the Press Commission. One of the important recommendations of the Press Commission was that there should be a price page schedule; that is to say, a relationship between the number of pages of a newspaper and its price in order to see that by unfair competition newspapers which are less ad-