



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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CORRIGENDA

In the Parliamentary Debates (Part 1—Questions and Answers) Fourth Session of Parliament,—1951,

In Volume IX,—

1. No. 7, dated the 16th August, 1951,—

कालम ३३०, पंक्ति १०, “क्या माननीय कृपा” के स्थान पर “क्या माननीय मंत्री जी कृपा” पढ़ें ।

2. No. 8, dated the 17th August, 1951,—

(i) Col. 376, line 14 from bottom for “and” read “any”.

(ii) Col. 380, delete the existing line 13 and between lines 15 and 16 insert new line “subject. The Central Tractor Organisation”.

(iii) Col. 381, for the existing line 18 from bottom substitute the new line “तुम्हें (Shri K. M. Munshi): (a) It is”.

3. No. 12, dated the 22nd August, 1951,—

کالم ۵۳۰، آخر سے سطر ۱۲،، آخر،، کی بجائے،، آفریں،، پڑھیں۔

4. No. 13, dated the 23rd August, 1951,—

(i) कालम ६०२, पंक्ति १८ “निर्यात” के स्थान पर “निर्यात” पढ़ें ।

(ii) Col. 612 for the existing line 4 from bottom read “July-December, 1951—January-June”.

5. No. 16, dated the 28th August, 1951,—

(i) Col. 723, line 12 for the figures “-14,86” read “14,86”.

(ii) Col. 727, line 8 for the figures “88,87” read “88,872”.

6. No. 19, dated the 31st August, 1951,—

कालम ८५०, पंक्ति ४ “मंगी” के स्थान पर “मन्त्री” और नीचे से पंक्ति १७ “घोर के खिलाफ” के स्थान पर “और उस के खिलाफ” पढ़ें ।

7. No. 20, dated the 3rd September, 1951,—

कालम ८९१ नीचे से पंक्ति ४, “उपया” के स्थान पर “रुपया” पढ़ें ।

8. No. 22, dated the 5th September, 1951,—

Col. 1014, line 15 for the figures “36,00,000” read “35,00,000”.

9. No. 24, dated the 7th September, 1951,—

(i) Col. 1115, line 8 for the words “Laid on the Table” read “House”.

(ii) Col. 1116, line 25 from bottom for “word” read “work”.

(iii) Col. 1119, transpose the existing lines 7 and 15.

10. No. 29, dated the 15th September, 1951,—

(i) Col. 1327 from bottom line 6 for “Teteorotogical” read “Meteorological”, and line 7 for “in 3 : 2” read “is 3-03”.

(ii) Col. 1336, line 2 from bottom for “convering” read “covering”.

(iii) Col. 1343, line 7 from bottom for “by” read “to”.

(v)

11. No. 30, dated the 17th September, 1951,—

Col. 1400, line 11 from bottom *for* "RECON-" *read* "Re. CON-".

12. No. 31, dated the 18th September, 1951,—

Col. 1434, line 15 *for* "miles" *read* "mills".

13. No. 32, dated the 19th September, 1951,—

(i) Col. 1505, between existing lines 23 and 24 from bottom *insert* new line "being found with money is not".

(ii) Col. 1510, line 13 from bottom *for* "July, 1951" *read* "1st July, 1951".

PARLIAMENT OF INDIA

The Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

- Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.
Minister of Education—The Honourable Maulana Abul Kalam Azad.
Minister of Home Affairs—The Honourable Shri C. Rajagopalachari.
Minister of Defence—The Honourable Sardar Baldev Singh.
Minister of Labour—The Honourable Shri Jaggivan Ram.
Minister of Health—The Honourable Rajkumari Amrit Kaur.
Minister of Law—The Honourable Dr. B. R. Ambedkar.
Minister of Works, Production and Supply—The Honourable Shri N. V. Gadgil.
Minister of States, Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.
Minister of Commerce and Industry —The Honourable Shri Hare Krushna Mahtab.
Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.
Minister of Natural Resources and Scientific Research—The Honourable Shri Sri Prakasa.
Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet

- Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.
Minister of State for Transport and Railways —The Honourable Shri K. Santhanam.
Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar
Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.
Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.
Minister of State for Finance—The Honourable Shri Mahabir Tyagi.
Deputy Minister of External Affairs—Dr. B. V. Keekar.
Deputy Minister of Commerce and Industry—Shri Dattatraya Parashuram Karmarkar
Deputy Minister of Defence—Major General Himatsinhji.
Deputy Minister of Works, Production and Supply—Shri S. N. Buragohain.
Deputy Minister of Food and Agriculture—Shri M. Thirumala Rao.
Deputy Minister of Communications—Shri Raj Bahadur.

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

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PARLIAMENT OF INDIA

Saturday, 15th September, 1951

*The House met at Half Past Eight
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

SANTA CRUZ AND GAUHATI AERODROMES

*1039. **Shri Sidhva:** Will the Minister of Communications be pleased to state:

(a) the amount that has been provided in the Budget for the year 1951-52 for the construction of Aerodrome Terminal buildings at Santa Cruz and Gauhati;

(b) whether the plans have been prepared; and

(c) whether the work will be started during the current year and if so, when?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Rs. 1,00,000 for Santa Cruz and Rs. 83,600 for Gauhati.

(b) Yes.

(c) At Santa Cruz, the work has already been started. At Gauhati, the work on the terminal building is proposed to be taken up during the current year after the monsoon.

Sardar B. S. Man: Is attendance in the House all right, Sir?

Mr. Deputy-Speaker: I think 8.30 is a little too early these days, 9 to 1.30 would perhaps be better. We shall consider it later.

Shri Sidhva: May I know, Sir, what is the total amount to be spent on the aerodrome terminal building at Santa Cruz of which only one lakh is going to be spent this year?

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Shri Raj Bahadur: Rs. 49,99,025.

Shri Sidhva: What is the period within which this building is proposed to be completed? Is it the idea to complete the building in 49 years by spending Rs. 1 lakh each year?

Shri Raj Bahadur: The entire work is expected to be completed by 1955-56. The reasons why we have been able to allocate only Rs. 1 lakh this year are too well known to be repeated here. It goes without saying that it would not be possible to complete the building by spending Rs. 1 lakh each year.

Shri Sidhva: May I then know whether there is any financial programme in connection with this work and despite the financial stringency regular amounts will be provided in the budget so as to complete the building by 1955-56?

Shri Raj Bahadur: There is a regular programme. We want to convert Santa Cruz into a modern international air port. As a matter of fact the work is quite large and it consists of providing for accommodation for the use of operating companies, for Customs, Health, P. and T., Meteorological office, amenities for passengers, restaurants, lounges, etc., etc. This cannot be done in one lot.

Shri Sidhva: The hon. Minister referred to provision for passengers' amenities. May I know whether there will be any arrangement for the overnight stay of passengers arriving from overseas and if so what amount has been earmarked for that purpose?

Shri Raj Bahadur: It will provide all the facilities of a modern international airport.

सेठ गोविन्द दास : क्या इस वक्त जो वहां पर प्रबन्ध है, उस से कुछ वर्ष तक और काम नहीं चल सकता कि जिसके कारण गवर्नमेंट को जो इतनी आर्थिक दिक्कत

में इतना रुपया खर्च करना पड़ेगा, वह बच सके ?

[Seth Govind Das: Can the existing arrangements not serve for some years more to come so that the Government would be saved from spending such a large amount in these days of financial stringency?

श्री राज बहादुर : मैं निवेदन करूँ कि बम्बई अपना एक विशेष महत्व रखता है और अन्तर्राष्ट्रीय दृष्टि से हम बम्बई के वायुयान अड्डे की किसी प्रकार से भी अवहेलना नहीं कर सकते, इसलिये यह आवश्यक है कि शीघ्र से शीघ्र इस वायुयान अड्डे को अच्छे से अच्छा बनाया जाय ।

[Shri Raj Bahadur: May I submit that Bombay has got some special importance and in view of its international importance as an airport, it is hardly possible for us to ignore it in any respect whatsoever. It is, therefore, necessary that this aerodrome be improved as best as possible at the earliest.]

श्री गोविन्द दास : बम्बई अपना महत्व रखता है, यह सही है, लेकिन क्या गाँवों का महत्व बम्बई से कम है कि जहाँ पर ८० फ्री सदी आदमी निवास करते हैं ?

[Seth Govind Das: That Bombay has got some importance of its own is but all right; but are villages that provide shelter to no less than 80 per cent. of the entire population, less important than Bombay?]

Mr. Deputy-Speaker: That is entering into an argument.

Shri Chattopadhyay: What is the estimated expenditure for Gauhati? May I know why Gauhati has been put on the same footing as Santa Cruz which is considered to be an international airport?

Shri Raj Bahadur: Gauhati will take some time. It is not possible to start work before the monsoon. The estimated expenditure is 3.2 lakhs.

METEOROLOGICAL DEPARTMENT

*1040. Shri Sidhva: Will the Minister of Communications be pleased to state:

(a) whether the meteorological Department is supplying weather re-

ports to private persons on payment and if so, what are the charges;

(b) whether this department is catering both for civilian and military services; and

(c) whether the military establishment contribute towards the maintenance of this department?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. The charges for supply of weather reports are indicated in the Statement, which I place on the Table of the House. [See Appendix VII, annexure No. 1.]

(b) Yes.

(c) Yes.

Shri Sidhva: May I know what are the total number of subscribers for these weather reports and how many of them include farmers?

Shri Raj Bahadur: I shall have to ask for notice.

Shri Lakshmanan: May I know whether it has come to the notice of the hon. Minister that weather forecasts of the Meteorological Department have become notoriously inaccurate—more inaccurate than the predictions of the astrologers?

Shri Raj Bahadur: It is not true at all. I would, however, like to submit that weather forecasts do not pertain to one particular place, one inch or one mile. Whenever a forecast is made it pertains to an area covering 50 square miles. For instance, something forecast for Delhi and its neighbourhood may not have occurred in Delhi proper, but in some nearby place. So to say that meteorological forecasts are worse than astrological predictions, is, to say the least, not fair.

Shri Kamath: Is it not a fact, Sir, that the meteorologists' promise of rain in Delhi during the last two months compared very favourably with Government's promise of food, clothing and shelter to India's millions during the last two years?

Shri Raj Bahadur: Comparisons are odious.

Shri Chattopadhyay: May I know whether meteorological assistance given to foreign ships on high seas is charged for in any way by the Department?

Shri Raj Bahadur: That is free, Sir.

Shri B. K. Das: Is there any scheme before Government to make these weather forecasts available to farmers?

Shri Raj Bahadur: As a matter of fact, farmers' weather bulletin is issued daily by means of press telegrams.

Shri B. K. Das: In what language that forecast is issued?

Shri Raj Bahadur: They are ordinarily issued in English, but they are translated into Indian languages.

Shri B. K. Das: By the State Governments?

Shri Raj Bahadur: By the subscribers.

Shri Sidhva: Arising out of answer to part (c) of my question, may I know what is the total amount spent on the establishment, and of this what portion is contributed by the military?

Shri Raj Bahadur: It is Rs. 8.5 lakhs per annum. It has been 8.5 lakhs per annum during 1948-49, 49-50 and 50-51.

Shri Amolakh Chand: May I know the number of subscribers to these agricultural bulletins?

Shri Raj Bahadur: I have already asked for notice of that question.

RAILWAY INSPECTORATE

*1041. **Shri Sidhva:** Will the Minister of Communications be pleased to state:

(a) whether the present arrangement under which the Railway Inspectorate, which was previously under the Railway Board, has been placed under the administrative control of the Ministry of Communications is to continue;

(b) when the present arrangement will terminate;

(c) whether the Pacific Locomotive Committee have recommended that the Railway Inspectorate should work under the Communications Ministry;

(d) whether this proposal has been at any time suggested to be revised more particularly when the Railway Board retains the safety controlling authority;

(e) why the Toofan Mail accident was investigated by the Railway Board instead of by the Railway Inspectorate; and

(f) whether this Inspectorate is completely under the control of the Communications Ministry and whether the appointments of staff is jointly made by the Railways and Communications Ministries or by the latter alone?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) There is no intention at present of terminating the existing arrangements.

(c) The Pacific Locomotive Committee had recommended that the Railway Inspectorate should be separated from the Railway Board on the principle that those responsible for the inspection of Railways, should be independent of the Authority administering the Railways, as contemplated in Section 181(3) of the Government of India Act, 1935. This matter was discussed in the Legislative Assembly in 1939 and the Assembly, as then constituted, recommended that the Railway Inspectorate should be placed under the Ministry for Communications. This recommendation, which was endorsed by the Council of State in 1940, was implemented in May, 1941.

(d) No.

(e) Presumably the hon. Member is referring to the accident to 7 Up Toofan Express which occurred between Durgauti and Karmanasa on the 13th August 1950. If so, the statement made by him is incorrect, as the investigation into this accident was carried out by the Railway Inspectorate.

(f) The Railway Inspectorate is completely under the control of the Ministry of Communications and all appointments to posts in the Inspectorate are made by that Ministry.

Shri Sidhva: My question was whether the Toofan Mail accident was investigated by the Railway Board. The hon. Minister replied that it was investigated by the Inspectorate. May I know whether the report was made to the Communications Ministry or to the Railway Board?

Shri Raj Bahadur: The report is sent to us, but we have to apprise the Railway Board of it. It goes to various other quarters and it has got to be considered at various levels.

Shri Sidhva: May I understand that all these accidents which occur on the railways are inspected by the Railway Inspectorate which is under the Communications Ministry?

Mr. Deputy-Speaker: That is what he has said.

Shri Sidhva: Is there a dual control with regard to the appointment and establishment of this Inspectorate?

Mr. Deputy-Speaker: He has answered it, that the appointment etc. is entirely under the Communications Ministry, in answer to part (f).

The Minister of State for Transport and Railways (Shri Santhanam): With your permission, Sir, I may add that there is no dual control.

AMENITIES ON RAILWAYS

*1042. **Shri Jnani Ram:** Will the Minister of Railways be pleased to state:

(a) the amenities to passengers and improvements in trains which have been introduced since the passing of the Railway Budget for 1951-52 in each of the Railways; and

(b) the amount spent on such improvements and amenities?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). Three statements giving the information required are laid on the Table of the House. [See Appendix VII, annexure No. 2.]

Statement I shows the provision made for each Railway during 1951-52 for Passenger Amenity Works and the amount spent since the passing of the last Railway Budget. Statement II shows the additional passenger trains introduced, trains extended, through services introduced or extended and loads increased to reduce overcrowding in trains on the various Railways. Statement III gives a short description of the works carried out on different Railways for providing amenities to passengers.

Shri Jnani Ram: Out of the provision of Rs. 3 crores for these amenities only Rs. 51 lakhs have been spent so far. May I know if the work in regard to all the amenities sanctioned has been started and if the Government propose to spend the entire amount provided for this purpose?

Shri Santhanam: As the hon. Member will see from the statement, many of the reports are only up to 30-6-51. It is well known that the first months in the financial year are devoted to making the final plans and the bulk of the amount is spent in the latter half of the financial year. Therefore I expect that the amounts will be fully spent during the financial year.

Shri Jnani Ram: May I know the number of routes on which trains are to be extended and when we can expect the restoration of train services on pre-war level?

Shri Santhanam: From Statement No. II the hon. Member will find that 82 additional passenger trains have been introduced and 204 carriages have been added. This process is going on and the overcrowding is being steadily reduced.

Shri Jnani Ram: May I know whether Government is trying to install electricity at places where

is available, such as Ramgarh Town and Kodarma?

Shri Santhanam: I cannot say about a particular town. Our policy is to give electricity at all places where electricity is available.

Pandit Thakur Das Bhargava: Is it proposed to restore the services dismantled during the war and give them a priority?

Shri Santhanam: It is our plan to increase the services to the extent needed. Whether a particular service stopped during the war should be restored or not depends upon the conditions today.

Shri Sidhva: Sir, yesterday you had to remark about these statements furnished in answer to questions that no Member takes notice of them from the records kept. One copy is given to the Member concerned and there is only one copy that is made available. Some of us go and see it...

Mr. Deputy-Speaker: What I said yesterday was that there was a demand for more copies of these statements in the Notice Office, but I found day after day that none, other than those hon. Members who table the questions, ever care to look into them. That is why I said there was absolutely no proof for the need of more copies there. One single copy is there, but how many hon. Members were there today?

Shri Sidhva: We go and see them, but the clerk in charge is not at the table. So we have told him to take the signatures of Members who go and see the statements.

Mr. Deputy-Speaker: The clerk submits the report. Today there are three names: Shri Jnani Ram, Shri S. N. Das and Shri R. K. Sidhva.

Shri Sidhva: We suggested to him, "You take our signatures". At our request it is done.

Mr. Deputy-Speaker: I am glad the hon. Member has brought it to my notice. I shall have it done.

Shri Kamath: Has Government any well-defined plan of amenities worked out by stages or phases and railway by railway?

Shri Santhanam: Yes, Sir, we have got a five year plan. We have allotted Rs. 3 crores and every Railway has a systematic plan of various kinds of amenities to be progressed year after year.

Shri Kamath: Is it part of India's general five year plan?

Shri Santhanam: It is the Railway's plan.

Mr. Deputy-Speaker: Independently.

Shri Rudrappa: May I know whether the railway staff is obtaining information from the passengers travelling, by means of written questions and answers, as to the amenities to be provided and, if so, how are they dealt with?

Mr. Deputy-Speaker: Written questions and answers? It is a suggestion for action. There are complaint books in all railway stations.

Shri Rudrappa: Apart from that, there are questions and answers. The same kind of information has to be obtained by railway servants with regard to the amenities to the passengers in the railways.

Mr. Deputy-Speaker: The hon. Member is making a suggestion.

Shri Rudrappa: It is obtaining now.

Mr. Deputy-Speaker: Then what is the question?

Shri Rudrappa: I want to know how far it is classified and made useful.

Mr. Deputy-Speaker: I am not able to understand the question. Probably the hon. Minister will be better able to understand it.

Shri Santhanam: So far as the passenger amenities programme is concerned, the programme is placed before the local advisory committee and their opinions recorded. And whenever any programme is executed it is duly published in all the papers and given out in press communiques by the General Manager. I do not know what exactly the hon. Member wants.

Shri Chattopadhyay: May I know whether the Ministry has under contemplation any target day after which no inter-class compartment will be without fans?

Shri Santhanam: Directions have been issued to put fans in all the inter-class compartments as soon as possible. When these coaches go into the workshops they come out with the fans. But it is not possible to take away all the inter-class coaches at the same time and put them in the workshops.

Shri Sidhva: Do these instructions, that when they go to the workshops they should be fitted with fans, apply to third-class coaches also?

Shri Santhanam: So far as third-class coaches are concerned it depends

upon the availability of the material also.

Shri S. N. Das: In the statement there is no mention of any provision being made for providing fans in the waiting halls of third-class passengers or in the third-class coaches on the O. T. Railway. I want to know whether there is any scheme for providing fans in the third-class waiting halls or in the third-class coaches on the O. T. Railway or not.

Shri Santhanam: The plan applies to all railways including the O. T. Railway. Probably they have not given particulars of all the passenger amenities. They have given particulars of certain important amenities.

Shri Sidhva: But fan is an important amenity.

Mr. Deputy-Speaker: I would not have admitted this question had I known that it involves such a number of statements. It is practically an administration report on third-class passengers' amenities.

Shri Santhanam: As it involved preparation of a report for part of a year it has given more trouble.

Mr. Deputy-Speaker: The hon. Minister must have drawn my attention to it.

Sardar B. S. Man: May I know whether the removal of prohibition in restaurants is proposed to be included as one of the amenities?

Shri Santhanam: Sir, prohibition is a reform which has been in operation for many years on the railways.

Shri Ghule: May I know whether the hon. Minister is aware that on some narrow gauge railway lines no complaint books are kept in the stations to enable the passengers to lodge any complaints about the shortness or want of amenities on those lines?

Shri Santhanam: The narrow gauge railways came under our administration only in April 1950. I shall look into the matter.

Shri Sarangdhar Das: Are Government aware that on the B. N. Railway in the portion between Orissa and Howrah even in the first-class compartments many a time it is noticed that the water tap is not functioning or the electric fan or the electric light is not functioning, and sometimes the electric light is very dim and the fan runs very slow?

Shri Santhanam: I would suggest that whenever the hon. Member finds

such a state of affairs he should record it in the nearest complaint book available.

Khwaja Inait Ullah: Is the Government thinking of working out any scheme to check over-crowding in third class bogies?

Shri Santhanam: In one of the statements I have given the number of additional passenger trains introduced and the additional accommodation provided. We are continuing the process. We are spending as much money as possible in providing new coaches and locomotives. And I am sure in a year or two there will be no over-crowding whatsoever.

IMPORT OF FOODGRAINS FROM ARGENTINA

*1043. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total quantity of food grains imported from Argentina in the year 1950-51; and

(b) the quantity of food grains which Government propose to import during the current year?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The total quantity of foodgrains imported from Argentina during the financial year 1950-51 is 6,07,420 long tons.

(b) It is presumed that this question refers to the quantity to be imported during the current year from Argentina. If it is so, the quantity of foodgrains to be imported during 1951 is expected to be approximately 5,12,900 long tons consisting entirely of wheat.

Shri Kamath: As regards the food to be imported during the current year, have arrangements been made for adequate shipping space for transporting it from Argentina to India, and if so, by whom?

Shri Thirumala Rao: Shipping space is arranged by our High Commissioner in London. He contacts all the shipping companies there and fixes up the bottoms for carrying all these.

Shri Kamath: Has it been done already?

Shri Thirumala Rao: It is being done continuously.

Dr. Ram Subhag Singh: May I know whether the Government approached any local shipping concern for transporting foodgrains from Argentina?

Shri Thirumala Rao: That information, I have not with me. I want notice.

RATIFICATION OF CONVENTION ON ROAD TRANSPORT

*1044. **Shri S. C. Samanta:** Will the Minister of Transport be pleased to state:

(a) whether the question of ratification of the convention on Road Transport has been discussed by the Transport Advisory Council of India;

(b) if so, when; and

(c) what decisions have been taken?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) At the meeting of the Transport Advisory Council held in April, 1951.

(c) The Council recommended that the Government of India should ratify the Convention.

Shri S. C. Samanta: May I know whether the ratification will come into force as soon as the decision has been taken by the Transport Advisory Council or will it require the further approval of the International Body?

Shri Santhanam: No, Sir. We want to take the States with us and so we have circulated the convention to all the States and many of the States have sent their approval and some others have not yet sent their replies. We are awaiting the approval of the other States before ratifying the convention. No further application to the International Body is required.

Shri S. C. Samanta: May I know how many other countries have ratified the Convention as yet?

Shri Santhanam: According to the latest information available so far only three countries, namely, the U. S. A., France and Czechoslovakia, have ratified the Convention.

CROP INSURANCE SCHEMES

*1045. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state the expenditure involved in introducing the crop Insurance Schemes?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The Scheme has not yet been introduced in any State.

It is estimated that a pilot project in regard to 4 crops viz. rice, wheat, cotton and sugarcane, covering a cropped area of 7 lakh acres in the States of

Madras, Bombay, U.P. and Madhya Pradesh, would involve a total recurring expenditure of Rs. 5.74 lakhs and non-recurring expenditure of Rs. 60,000.

Dr. Ram Subhag Singh: May I know in which State has this scheme been introduced?

Shri Thirumala Rao: It has not been introduced in any State.

Dr. Ram Subhag Singh: May I know the number of States to which the Government of India approached for introducing this Crop Insurance Scheme and what are the reactions of those States?

Shri Thirumala Rao: I have given the names of the States in my reply, namely, Madras, Bombay, U. P. and Madhya Pradesh. They found certain financial difficulties in trying to experiment on this new scheme and therefore no State has started it so far.

Dr. Ram Subhag Singh: Is it a fact that the Government of U.S.A. is anxious to help the Government of India under President Truman Point-4 Programme for introducing this Crop Insurance Scheme?

Shri Thirumala Rao: Sir, on the Point-4 Programme we can get some experts who will be able to advise us, but the main question is about the financial commitments.

Seth Govind Das: Are the Government aware that the Crop Insurance Scheme was successfully run in one of our small States, i.e., Dewas State and have Government received any report with respect to that experiment? If so, are Government at least going to begin this Crop Insurance in one of the States or at least in the Centrally Administered Areas?

Shri Thirumala Rao: I have no information with regard to Dewas State but if the hon. Member puts a separate question, I will get the information.

Seth Govind Das: Are Government at least thinking of starting this scheme in at least one State, especially in the Centrally Administered Areas?

Shri Thirumala Rao: We have formulated proposals and set apart some money also, but the States are not coming forward to implement it.

Mr. Deputy-Speaker: What about the Centrally Administered Areas?

Shri Thirumala Rao: We have not taken it up.

IMPORT OF FOOD GRAINS FROM RUSSIA

*1046. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state the quantity of food grains so far imported from Russia during the current year?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): The quantity of foodgrains so far imported from Russia during the current year is 1 lakh metric tons of wheat.

Shri Kamath: From the report so far available with the Government how does the quality of Russian wheat compare with that of American wheat and how does the landed cost in India work out per ton of each?

Shri Thirumala Rao: The quality of wheat compares favourably with wheat imported from other countries but with regard to price, it is difficult to say, because this has been imported under a sort of barter agreement in exchange for which we have to supply certain commodities to Russia.

Dr. Ram Subhag Singh: May I know if Government proposes to import any more Russian foodgrains during the current year?

Shri Thirumala Rao: There is no such programme for the present.

Shri Sidhya: Out of the Russian, Australian and American wheat, which quality is superior?

Shri Thirumala Rao: I have not got such information but all qualities of foodgrains are tested and they are acceptable qualities.

Mr. Deputy-Speaker: All of them are being eaten here.

Sardar B. S. Man: May I know whether the wheat from Russia is red or white?

Shri Thirumala Rao: It is all reddish white.

Shri Kamath: Am I to understand that all the Russian wheat imported so far has been on a barter basis, and nothing was on a cash basis?

Shri Thirumala Rao: This year it is on barter basis only.

Shri Kamath: Last year?

Shri Thirumala Rao: I have no information.

PROCUREMENT PRICES OF FOOD GRAINS

*1047. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Food and Agriculture be pleased to state whether any attempt has been made either by the State Governments or by the

Government of India to co-relate the procurement prices of food grains to the cost of production?

(b) If so, what is the method employed in calculating the cost of production?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) As data regarding cost of production is not available, it is not taken into account in fixing procurement prices of foodgrains.

(b) Does not arise.

Shri Kishorimohan Tripathi: What steps are Government taking to make the data available in the future?

Shri Thirumala Rao: There are several schemes started for arriving at the cost of production of foodgrains but the States have not been able to take effective steps to have random sampling of these various kinds of crops with regard to the cost of production. Unless that is entered into on a scientific basis and data collected, Government are not in a position to answer my hon. friend's question.

Shri Kishorimohan Tripathi: Has it come to the notice of the Government that as a result of very low procurement prices of cereals, land is being diverted from cereals to oilseeds and other money crops?

Shri Thirumala Rao: It is not an entirely correct position to state that that is so, because the cost of foodgrains has considerably gone up but compared to the other cash crops they may be somewhat low, but the diversion that has taken place on account of this difference has not been material, taking an overall picture in the country.

Shri Rudrappa: May I know whether representations have not been made from the various associations and the agriculturists that the cost of production is much higher than the procurement prices and if so, would Government make some experiment in some areas, at least in the Centrally Administered Areas?

Shri Thirumala Rao: We have not got schemes with regard to arriving at cost of production. It is a technical thing where Cost Production Officers have to be employed along with our Statistical Inspectors. The Government are aware of that and they are trying to pursue the matter.

Seth Govind Das: If the data which the hon. Minister has just referred to is not there, then how are the prices for procurement fixed from time to time?

Shri Thirumala Rao: Sir, every year an annual conference is held by the Central Government along with the States and the views of the State Governments as to the prices considered reasonable are taken into consideration, the prevailing market prices of foodgrains, the general trend of prices of other essential commodities and of other competing crops, the general trade conditions and the supply position of foodgrains, the price in the neighbouring States and the effect of prices on the general economic condition of the country—all these factors are taken into consideration and discussed with the State Governments before the prices for foodgrains are fixed from time to time.

Shri Thimmappa Gowda: On what basis are the present prices of foodgrains fixed?

Mr. Deputy-Speaker: He has given all the factors that are taken into consideration.

Shri S. N. Das: In the answer to part (a) of the question the hon. Minister stated that no attempt has so far been made to ascertain the cost of production. I want to know whether the Government are now going to appoint any committee to consider this.

Mr. Deputy-Speaker: He has answered it. Hon. Members will kindly hear the answers given by the Ministers. He has already said that attempt is being made.

Seth Govind Das: Are Government aware that in spite of the lists which the hon. Minister has just now described, there is a general feeling throughout the country that the agriculturists are not getting an adequate price for foodgrains?

Shri Thirumala Rao: The general feeling is too vague.

Pandit Thakur Das Bhargava: Is it a fact or not that the cost of production is the most important criterion in fixing the price? Why do Government choose to ignore this?

Mr. Deputy-Speaker: They are not ignoring.

Shri Thirumala Rao: Nobody denies that the cost of production is the most important factor. But the most important factor has to be arrived at after great scrutiny and investigation. Then, only can Government rely on those figures. The country is so large; the variety of production and the number of small holdings are so large that we cannot arrive at the cost of production on any *ad hoc* basis. That has to be investigated scientifically. I can assure the House that they have made several attempts through their

organisation the I.C.A.R. to set up these bodies for investigation. They have constantly been pressing upon the State Governments as recently as January 1951 to institute enquiries and let us have the cost of production of these things. The State Governments also have to get the necessary personnel and material to do it. They are at it now.

Shri Kishorimohan Tripathi: Is it a fact that the policy of controlling the prices in respect of procurement and distribution of cereals as against no control about the prices of oil seeds is giving incentive to the cultivators to grow more oil seeds than cereals?

Shri Thirumala Rao: Generally, the prices of other crops are not controlled except cotton and jute. As regards oil seeds, an export duty has recently been imposed to control internal prices.

Shri Ghule: The hon. Minister said that there were difficulties in finding out the cost of production in the States. May I know what steps are taken to find it in the Centrally Administered Areas? If no attempts have been made so far, why not they be made now?

Shri Thirumala Rao: What applies to the States applies to the Centrally Administered Areas also.

Mr. Deputy-Speaker: Next question.

AREA OF LAND UNDER CULTIVATION PER HEAD

*1048. **Shri Kishorimohan Tripathi:** Will the Minister of Food and Agriculture be pleased to state what acreage of land was under cultivation per head of population in India in the years 1931, 1941 and 1951?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): A statement showing the estimated area cultivated per head of population is placed on the Table of the House.

STATEMENT

Estimated area cultivated per head of population

Year	Estimated area cultivated per head of population (acre)
1931*	0.934
1941*	0.836
1941†	0.856
1949†	0.787

* Figures relate to undivided India.

† Figures relate to India as after Partition

Note.—Figure relating to gross area sown during 1950-51 is not yet available and therefore area cultivated per

head of population in 1951 cannot be estimated.

Shri Kishorimohan Tripathi: The statement shows that there has been a gradual decline in the per head acreage of cultivated area. What are the reasons for this and what steps are the Government taking to prevent it?

Shri Thirumala Rao: The figures are available for 1949. Large areas in Hyderabad and the Punjab have gone out of cultivation on account of the political situation there. That is the main reason why it has shrunk to a large extent.

Dr. Ram Subhag Singh: May I know the acreage of land which has gone out of cultivation in 1949 because of the political situation?

Mr. Deputy-Speaker: Is the total extent available?

Shri Thirumala Rao: I can say this way. In 1940-41.....

Dr. Ram Subhag Singh: I want for 1949.

Shri Thirumala Rao: In 1940-41 the gross area sown is 325,121,000 acres. In 1948-49 it is 277,884,000 acres. The difference is the area of land that has shrunk and has gone out of cultivation.

Dr. Ram Subhag Singh: The hon. Minister said that in 1941 it was 300 and odd million acres and in 1949 it came to 275 and odd million acres. Was this not due to the partition? The partition was made in 1947.

Shri Thirumala Rao: These are pre-partition figures. I want notice to get all the figures.

Shri Kamath: In a statement recently laid on the Table of the House regarding holdings, the hon. Minister disclosed that the U.P. leads the rest of India in division and fragmentation. Does U.P. lead the rest of India also in this general decline of cultivable area per head?

Mr. Deputy-Speaker: Has the hon. Minister got the figures for U.P.?

Shri Thirumala Rao: The question is whether U.P. lead in this also. I must study the whole thing and give an opinion and not facts.

Pandit Thakur Das Bhargava: I want to know if that is the sole cause. Do the conditions in Hyderabad and Punjab constitute the sole cause for this difference or are there other causes? If there are other causes, what are they?

Shri Thirumala Rao: That has been the main contributory cause. But, as

revealed in the recent census figures, there has been a shifting of the population from the rural to the urban areas. That has also been somewhat responsible for sufficient labour not being available in the rural areas.

Shri B. K. Das: Is it not a fact that the shrinkage is due to increase in population also?

Shri Thirumala Rao: Yes; certainly. There are so many other causes.

Mr. Deputy-Speaker: Next question.

Dr. Ram Subhag Singh: May I ask one question?

Mr. Deputy-Speaker: No; I am sorry. Next question.

STATUTORY AND NON-STATUTORY BODIES

*1050. **Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number and names of statutory and non-statutory bodies of permanent nature functioning under the administrative control of his Ministry giving the following information in each case:

- (i) the year of their constitution;
- (ii) the recurring annual expenditure incurred by them;
- (iii) the provision for the audit of their accounts; and
- (iv) the method of submission of the report of their activities;

(b) the number and names of such *ad hoc* committees as were appointed by the Ministry since the 15th August, 1947 and which have finished their work; and

(c) the number and names of *ad hoc* committees still functioning, giving the dates of the appointment and the time by which they are expected to finish their work?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). Three statements giving the required information are laid on the Table of the House. [See Appendix VII, annexure No. 3.]

Shri S. N. Das: From the statement it appears there is one Central Malwa Committee which was appointed on an *ad hoc* basis, but which is stated by continue indefinitely. May I know what are the functions of this Committee and why the committee is going to continue indefinitely?

Shri Thirumala Rao: This Committee was constituted on 15th June

1950 consisting of officials as well as non-official members, from the Malwa States. The hon. Minister for Food and Agriculture is the Chairman of this Committee. Its function is to consider and advise on the grow more food schemes in the Malwa areas. As these States have got large areas that could be usefully brought under cultivation and tractor ploughing, this committee is established to see how large areas could be brought under cultivation. As the potentialities are large, this committee will remain functioning until it reaches a stage of some substantial achievement.

Shri S. N. Das: From the statement it appears that the Indian Council of Agricultural Research is a non-statutory body. It is a permanent body. May I know whether the question of making it a statutory body, in view of the important functions that this body is doing, has been considered?

Shri Thirumala Rao: As long as it is functioning as a part of this Ministry, it does not make much difference and it is as efficient now as my hon. friend imagines it would be under a statutory board.

Shri S. N. Das: May I know whether the whole expenditure on this body is met by the Government or whether there are other sources also?

Shri Thirumala Rao: The question is too general. The statement covers a number of committees, statutory and non-statutory.

Mr. Deputy-Speaker: The hon. Member wants the information only in respect of the Indian Council of agricultural Research.

Shri Thirumala Rao: It is a Government grant.

Mr. Deputy-Speaker: Next question.

STATUTORY AND NON-STATUTORY BODIES

*1051. **Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) the number and names of statutory bodies of permanent nature functioning under the direct administrative control of his Ministry giving the following information in each case:

- (i) the year of their constitution;
- (ii) the recurring annual expenditure incurred by them;
- (iii) the provision for the audit of their accounts; and
- (iv) the method of submission of the report of their activities;

(b) the names of non-statutory bodies of permanent nature giving the same information as in part (a) above;

(c) the number and names of the *ad hoc* committees appointed by the Ministry still functioning giving their nature of functions, and the date of their appointment and the time by which they are expected to finish their work; and

(d) the number and names of such *ad hoc* committees as were appointed by the Ministry since 15th August, 1947 and which have finished their work?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (d). Three statements giving the required information are laid on the Table of the House. [See Appendix VII. annexure No. 4.]

Shri S. N. Das: From the statement it appears that a large number of Telephone Advisory Committees are functioning in the various districts. May I know whether any expenditure is incurred on this account?

Shri Raj Bahadur: Expenditure is incurred.

Shri S. N. Das: May I know what is the total amount incurred on this account?

Mr. Deputy-Speaker: The recurring annual expenditure is given in the Statement.

Shri S. N. Das: I want to know what is the total amount spent on account of the local advisory committee on telephones.

Shri Raj Bahadur: Sir, it will take some time for me to take out this particular figure from this Statement.

Mr. Deputy-Speaker: There is no use looking into the items for certain figures. Column 5 of the Statement gives the figures of recurring annual expenditure.

Shri S. N. Das: But they relate to statutory bodies. But there are other *ad hoc* committees which will continue for some time at least and the local advisory committees on telephones are among them. I want to know what is the expenditure incurred on these committees. It is in Statement II.

Mr. Deputy-Speaker: The hon. Member can total up the figures and find the total expenditure.

Shri Raj Bahadur: Sir, I would require notice.

Shri Ghule: May I know under what heads these expenses are incurred? Are the sums given as lump-sums or are they paid as some allowances such as touring charges and such like items?

Shri Raj Bahadur: The expenditure is on stationery, holding of meetings, etc.

Shri S. N. Das: It appears from the Statement that a Board of Management for P. and T. Workshops has been recently appointed. May I know whether this will function as a government department or will it be a separate body?

Shri Raj Bahadur: It will function as a government department; but it is an autonomous body which will run three workshops.

Mr. Deputy-Speaker: I may suggest to the Ministries in general that whenever they find that the answer will involve a long statement they may indicate this to the Speaker and suggest that it may be preferable to put it down as an unstarred question so that we may not have to look into so many details here. Sometimes neither the Speaker nor the office is able to get an idea of the extent of information that the answer will involve. So if the Ministry finds that the answer will involve the placing of a long statement on the Table of the House and suggest the possibility of its being put down as an unstarred question, I will consider it.

Shri Raj Bahadur: Sir, I am grateful to you for the suggestion.

Mr. Deputy-Speaker: This is for all Ministries, not for the Ministry of Communications alone.

STORAGE ARRANGEMENTS FOR IMPORTED FOOD GRAINS

*1052. **Shri A. C. Guha:** Will the Minister of Food and Agriculture be pleased to state.

(a) whether the storage arrangements for imported food grains already available would be sufficient for all the reserve food grains;

(b) whether the Government of India or the Governments of States will be responsible for its storage; and

(c) if the latter, what control the Government of India would have over the storing of the food grains?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Yes. The storage arrangements are sufficient for grain which may be

expected to go into storage this year. The position as to what reserve stocks may be possible in 1952 is under examination.

(b) and (c). The matter is under examination.

Shri A. C. Guha: May I know, Sir, if the Government have received a report that due to the shortage of storage or due to bad conditions of storage, some grains have been spoilt?

Shri Thirumala Rao: Generally, Sir, we get information about the storage conditions. The State Governments and the Centre have storage facilities for 40.75 lakh tons of grains out of which about 35 lakh tons are stored in pucca godowns or satisfactory godowns and the other 5 lakhs are in somewhat indifferent godowns.

Shri A. C. Guha: What may be the quantity of foodgrains spoilt due to bad storage?

Mr. Deputy-Speaker: That was asked and answered sometime back, I think.

Shri Thirumala Rao: I have not got the information now.

Shri A. C. Guha: Is any quantity of foodgrains under the control of the State Governments, and if so, have the Government examined the position of storage conditions in those States?

Shri Thirumala Rao: We have got our officers who go round and inspect these godowns and certify if they are fit to store grains in, and see if proper fumigation and other precautions are taken at the places where grain is stored.

Shri A. C. Guha: May I know whether Government has got any figure—even approximate—of the average quantity of foodgrains spoilt every year due to bad storage?

Shri Thirumala Rao: I want notice. I think it is about 5 per cent. or so, but I am not sure, I want notice.

Mr. Deputy-Speaker: May be about 3 per cent. or so. Very well, we go to the next question.

AGRICULTURAL SCHOOLS AND COLLEGES (GRANTS)

*1053. **Shri S. C. Samanta:** (a) Will the Minister of Food and Agriculture be pleased to state the names and number of Agricultural Schools and Colleges in India that are receiving grants from the Government of India?

(b) Are there any conditions imposed on those institutions that receive grants from the Government of India and if so, what are they?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The Central Government pays a grant only to the Agricultural College of the Banaras Hindu University.

(b) No specific conditions are attached to the grant mentioned in (a) above.

Shri S. C. Samanta: May I know whether this University admits students from other States also and if so what quota has been settled for these students from different States and who has settled this quota?

Mr. Deputy-Speaker: Into this agricultural college or generally in all the colleges?

Shri S. C. Samanta: In this University College.

ملسٹر آف ایجوکیشن (مولانا آزاد) :
میں یہ کہہ دوں کہ سلنگرل گورنمنٹ
کا چلری یہ تھلگ ہے کہ جب وہ
کسی انسٹی ٹیوشن کو مدد دیتی ہے
یہ شرط لگا دیتی ہے کہ دوسرے صوبوں
کے اسٹوڈنٹس بھی وہاں لئے جائیں۔

[**The Minister of Education (Maulana Azad):** May I state that generally it has been the practice of the Central Government that while making grants to any institutions they impose a condition on them that they would admit students from other States as well.]

Shri S. C. Samanta: Is there any post-graduate training arrangement there?

Shri Thirumala Rao: I am not aware of any.

QUARTERS FOR RAILWAY EMPLOYEES

*1054. **Shri S. C. Samanta:** Will the Minister of Railways be pleased to state:

(a) the number of new quarters for Railway employees constructed during the year 1950-51;

(b) how many are estimated to be constructed during the year 1951-52; and

(c) how many quarters have been demolished and how many are under contemplation to be demolished in the near future, being considered uninhabitable?

The Minister of State for Transport and Railways (Shri Santhanam): (a) 8,415.

(b) 11,255.

(c) 431 quarters have already been demolished and another 3,154 includ-

ing 2901 temporary quarters built during war are proposed to be demolished in the near future.

Shri S. C. Samanta: Will the hon. Minister be pleased to supply the break-up of the figure of 11,255 given in answer to part (b) of the question—the estimated number of quarters to be built in 1951-52?

Mr. Deputy-Speaker: That is under all the railway administrations?

Shri S. C. Samanta: Only in the Bengal Nagpur Railway.

Shri Santhanam: In the B. N. R. the number of quarters constructed in 1950-51 is 168 and the number proposed to be constructed in 1951-52 is 820.

Shri A. Joseph: What places have been selected for building these quarters during the year 1951-52?

Mr. Deputy-Speaker: The hon. Member wants the names of the Stations?

Shri A. Joseph: No, Sir, the places where it is proposed to construct these quarters for the railway employees, working at places like Bezwada and Madras.

Mr. Deputy-Speaker: That means all over India, and that will require a statement. The hon. Member may put down an unstarred question.

Shri Sonavane: What will be the number of railway employees still left without quarters even after the construction of these quarters?

Shri Santhanam: There are 10 lakhs of railway employees and our quarters are less than 2 lakhs. The hon. Member may calculate the proportion.

Shri S. C. Samanta: May I know whether a representation has been received by Government from individual employees or from employees' organisations to the effect that if land is allotted to them they will construct houses for themselves?

Shri Santhanam: I do not know of any such representation. But first, they will require land, and then they will require money and then the technical skill.

Shri B. K. Das: It appears from the answer given by the hon. Minister that the increase in the number of quarters in 1951-52 will be off-set by the number to be demolished. What arrangements are there for the construction of more quarters, in view of the fact that there is the demand for larger number of quarters?

Shri Santhanam: It is not a fact that the increase will be off-set by the demolition, because the number given for demolition is not for any particular year. It is the total number, while our increase is for the year 1951-52. After all, the Railways form, I think one of the few sectors where house-building on a large scale is going on from year to year.

Shri Sonavane: Is it not the policy of the Government to provide quarters to every railway employee, and under this policy by what time will every railway employee get a quarter?

Shri Santhanam: It is neither necessary nor desirable to provide quarters for every employee, because in many places like villages people have their own houses and in many towns people are living with their relations. Therefore only a certain proportion of employees will require quarters and probably if we build about four lakh quarters we will be fully saturated.

श्री भट्ट: क्या माननीय मन्त्री जी को यह मालूम है कि जो दो लाख आदमियों के निवास स्थान हैं उन में से कितने निवास स्थान ऐसे हैं कि जिन में रहना मुश्किल है, और उन निवास स्थानों को सुधारने के लिये माननीय मन्त्री जी ने क्या प्रबन्ध करवाया है ?

[**Shri Bhatt:** Does the hon. Minister know as to how many of those quarters which are provided to two lacs of employees are such as are not habitable; what are the arrangements made by the hon. Minister to improve them?]

Mr. Deputy-Speaker: What is the good of such general questions—how many are habitable and how many are not?

श्री भट्ट: यह ठीक है, लेकिन उन सुधारने के लिये क्या तत्काल कोई हुक्म दिया गया है और इस के लिये क्या कुछ रकम मंजूर की गई है ?

[**Shri Bhatt:** That is all right. But has any order been issued or any sum sanctioned, at present, so as to improve their condition?]

Mr. Deputy-Speaker: They will not build unless they are satisfied that the quarters are habitable.

रविवारीय डाक-वितरण

* १०५७. सेठ गोविन्द दास : क्या संघ-रण मन्त्री यह बतलाने की कृपा करेंगे कि समाचार पत्रों के लिये विशेष रूप से रवि-वार को डाक चालू करने के सम्बन्ध में जो मांग कुछ दिन पूर्व की गई थी, उस के सम्बन्ध में सरकार द्वारा कौन से पग उठाये जा रहे हैं ?

DELIVERY OF *dak* ON SUNDAYS

[*1057. Seth Govind Das: Will the Minister of Communications be pleased to state what steps are being taken to meet the demand made a few days ago that arrangements for the despatch and delivery of *dak* on Sundays be made for the newspapers as a special case?]

The Deputy Minister of Communications (Shri Raj Bahadur): The following facilities exist for the posting and delivery of newspapers on Sundays—

Newspapers can be posted at—

- (i) All R. M. S. Mail Offices,
- (ii) Press Sorting Offices, wherever they exist,
- (iii) Night Post Offices, wherever they exist, and
- (iv) Mail vans in Railway trains, without any late fee.

There are 7,009 registered newspapers in India. Facilities for posting are available to all except 49 newspapers. These 49 newspapers are published in 28 small towns. The question of affording some facilities to them also is under examination.

The facilities accorded to newspapers for posting of their correspondence and for delivery of letters addressed to them are the same as are available to the members of the public; no special facilities have been provided for them.

सेठ गोविन्द दास: जहां तक उन की पोस्टिंग का सवाल है, माननीय मन्त्री जी ने इस सम्बन्ध में कुछ बातें कहीं। लेकिन जहां तक उन के पाने का सवाल है क्या उस की बाबत कोई प्रबन्ध है और क्या उस की बाबत कोई विचार किया जा रहा है ?

[Seth Govind Das: So far as their posting is concerned the hon. Minister dealt with it to some extent; but, may I know whether there is any arrangement made or purposed to be made for their delivery as well?]

श्री राज बहादुर : पोस्टिंग और डिली-वरी दोनों के सम्बन्ध में यह उत्तर दिया गया है।

[Shri Raj Bahadur: The answer applies both to posting and delivery.]

सेठ गोविन्द दास : जो सुविधायें अब तक दी गई हैं उन के अतिरिक्त और कोई सुविधायें देने का भी क्या विचार किया जा रहा है ?

[Seth Govind Das: Apart from those that have been provided till now, are any further facilities proposed to be given?]

श्री राजबहादुर : प्रश्न निश्चित नहीं है, क्या सुविधायें आप के विचार में हैं यह समझ में आये तो उन पर विचार किया जाय।

[Shri Raj Bahadur: The question is vague. These facilities can only be taken into consideration if we are told what particular facilities the hon. Member has in mind.]

सेठ गोविन्द दास : क्या इस सम्बन्ध में कुछ अखबारों ने माननीय मन्त्री जी के मोहकमे में कुछ दरहवास्तें भेजी हैं जिसमें लिखा है कि जो सुविधायें हैं उनमें क्या क्या अड़चनें हैं और वह क्या सुविधायें चाहते हैं ?

[Seth Govind Das: Have some newspapers moved the hon. Minister's department in this connection, pointing out the various drawbacks in the existing arrangements and also suggesting any new facilities which they want to be provided?]

श्री राज बहादुर : किसी विशेष आवे-दन पत्र की ओर ध्यान आकर्षित किया जाय तो शायद में बतला सकूँ। वैसे मेरी समझ में नहीं आता कि कोई ऐसा पत्र आया हो।

[Shri Raj Bahadur: I am afraid I cannot reply unless some particular

representation is brought to my notice. I do not think, however, that any such letter has been received.]

Shri Kamath: Will any special Sunday facilities as regards clearance and delivery be provided during the ensuing General Election?

Shri Raj Bahadur: Does that question pertain to all kinds of mail or newspapers alone?

Mr. Deputy-Speaker: It relates to letters to facilitate the general elections.

Shri Raj Bahadur: This question pertains to newspaper deliveries and postings. If the hon. Member wants information with regard to general mail, that will be considered along with the general facilities for the general elections and the candidates standing for election.

Shri Deshbandhu Gupta: May I know whether representations have been made on behalf of newspapers to Government that in smaller places where there are no arrangements for delivery through agents newspapers reach a day later by post, as they are not delivered on Sundays? Has Government taken any action in the matter?

Shri Raj Bahadur: Specific instances of delays in delivery in such cases, if brought to my notice I will be grateful to the hon. Member. It will give me an opportunity to find out the causes of the delay and punish the delinquents officially.

Shri Deshbandhu Gupta: I am afraid the hon. Minister has not followed the question. There are no deliveries on Sundays. In big stations newspapers are delivered through their agents who get their supplies through the railways. Therefore have representations been made to Government that some arrangement should be made, so that people in small towns and villages may not be deprived of their copies of newspapers on Sundays?

Shri Raj Bahadur: So far no special representations have been made with regard to that. If there is a general demand for that it may be examined.

PRODUCTION OF SUGAR

*1058. **Shri Deogirikar:** (a) Will the Minister of Food and Agriculture be pleased to state how many sugar factories have been able to produce sugar more than the quota allotted to them in the current year?

(b) Are there any factories which could not fulfil their quota?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) 94 factories.

(b) Yes, 43 factories.

Shri Deogirikar: What are the reasons for this increased production? Was it due to increased yield, additional acreage, free market or fall in prices of gur?

Shri Thirumala Rao: They are all combined together. When there was an incentive for extra production because of free market facilities the factory owners were prepared to pay a slightly higher price for the sugarcane than what was fixed by Government and they have been thus encouraged to produce more sugar.

Shri Deogirikar: Was there any increase in acreage?

Shri Thirumala Rao: I have to answer it offhand from memory. There has been no appreciable variation in acreage. It was 40 lakh acres and it has remained the same this year also.

Shri Deogirikar: May I know whether the factories will be able to produce the target production next year?

Shri Thirumala Rao: I am not able to understand what the hon. Member means by target production.

Shri Deogirikar: It was 13 lakh tons.

Shri Thirumala Rao: This year they have been able to produce about 11 lakh tons. If the same incentive continues they may go up to 12 lakh tons.

Shri Deogirikar: What are the rates at which sugar is sold in the free market in Bombay, Calcutta, Madras and Delhi?

Shri Thirumala Rao: I want notice to be exact. I have not got the figures.

Shri Sonavane: How far was the prospect of sale of sugar in the black market responsible for the increased production of sugar over the quota fixed by the Government?

Shri Thirumala Rao: There is no black market; there is a free market.

Shri Sonavane: Was the prospect of sale of sugar in black-market responsible for the increase?

Mr. Deputy-Speaker: There is a free market now.

Shri M. C. Shah: Is the Minister in a position to state the approximate amount of excess money received or obtained by the sugar-industrialists on

account of the policy of the Government to let them sell in the free market, which is considered as a gift?

Shri Thirumala Rao: About 125 lakh tons have been released to the free market and the price has been anywhere between Rs. 53 and 70.

Shri Sidhva: What is the quantity available for distribution through the free market out of this year's crop?

Shri Thirumala Rao: These quotas are allowed to the factories. I have not got ready figures as to how much they have disposed of. I want notice.

बिहार के पलामू जिले में राशनिंग

*१०५९. श्री ओरांव : खाद्य तथा कृषि मन्त्री यह बतलाने की कृपा करेंगे कि :

(क) क्या सरकार को विदित है कि बिहार में पलामू जिले के थानों में स्थित अनेक गांवों में उन व्यक्तिओं को जिन के पास चौकीदारी रसीद होती है, राशन की सरकारी दुकानों से राशन नहीं दिया जाता ; तथा

(ख) यदि सरकार को यह विदित नहीं, तो क्या वह इस विषय में जांच करेगी ?

RATIONING IN PALAMAU DISTRICT, BIHAR

[*1059. **Shri Oraon:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware of the fact that in many villages situated in the thanas of Palamau district in Bihar, persons who possess the *chowkidari* receipt are not given rations from the Government ration shops; and

(b) if Government are not aware, whether they would enquire into the matter?]

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) This is not correct. The rationed population in Palamau district includes a large proportion of those who possess *chowkidari* receipts.

(b) Does not arise.

WRITTEN ANSWERS TO QUESTIONS

RESEARCH ON TAPIOCA

*1049. **Shri Alexander:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is a proposal to start research on tapioca in Travancore and Cochin; and

(b) if so, the progress so far made?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) A scheme of research on tapioca in Travancore-Cochin is being financed by the Council.

(b) The scheme started functioning from the 13th March, 1951. It is too early yet to expect results in the scheme but as a result of work done in the past, they have evolved by hybridisation high-yielding varieties, one of which (Number 105) gives 25 to 30 per cent. higher yield than the locals which give a yield of 2-3 tons per acre.

AERODROME AT HUBLI (CONSTRUCTION)

*1055. **Shri Kesava Rao:** (a) Will the Minister of Communications be pleased to state whether it is a fact that there is a proposal to construct an aerodrome at Hubli?

(b) What is the estimated cost of the same?

(c) What is the length of the runway to be constructed?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). Hubli has been included as one of the places where new aerodromes are proposed to be constructed in the course of the next ten years as funds permit. Details regarding the cost of the work and the specifications of the runway, etc., have not yet been worked out.

DELHI TRANSPORT SERVICE

*1056. **Shri V. K. Reddy:** (a) Will the Minister of Transport be pleased to state the number of new buses put on Delhi Transport Service during the last six months?

(b) What is the average daily number of buses kept in workshops during the same period?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Twelve.

(b) Thirty-nine.

PILFERAGE OF POSTAL PARCELS

*1060. **Shri M. Naik:** (a) Will the Minister of Communications be pleased to state how many cases of pilferage of postal parcels were reported during the financial years 1948-49, 1949-50 and 1950-51?

(b) What was the value involved?

(c) To what extent were loss and damages made good by Government?

(d) What action have Government taken so far in this regard?

The Deputy-Minister of Communications (Shri Raj Bahadur): (a) 1948-49...305.

1949-50...388

1950-51...645

(b) 1948-49...Rs. 47,486-2-9.

1949-50...Rs. 41,558-8-6.

1950-51...Rs. 55,564-4-3.

(c) 1948-49...Rs. 25,107-10-6.

1949-50...Rs. 31,039-5-0.

1950-51...Rs. 13,384-13-9.

(d) Departmental rules already provide adequate safeguards to ensure the safe receipt, transmission and delivery of all parcels received by post offices. Cases of pilferage of parcels are enquired into and, where necessary, are reported to the police for investigation. Disciplinary action is also taken against delinquent officials for negligence or non-observance of rules. Steps are being taken to tighten supervision and to enforce the rules.

INLAND WATER TRANSPORT

*1061. **Shri V. K. Reddy:** (a) Will the Minister of Transport be pleased to state whether it is a fact that a team of experts have conducted a survey of Inland Water Transport conditions?

(b) What are the findings of these experts in their survey?

(c) Which Government is bearing the expenses of these experts?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The hon. Member is presumably referring to the tour of inland water transport experts drawn from the E. C. A. F. E. region to study the technological advances in the operation of water transport services abroad. This study tour has been sponsored by the Economic Commission for Asia and the Far East and the Technical Assistance Administration of the United Nations and the Govern-

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ment of India have deputed three representatives to participate in the tour.

(b) The tour will be completed towards the end of October 1951 and the findings of the experts will be available sometime in November.

(c) All the travelling and other expenses of the team are being borne by the United Nations Technical Assistance Administration and the participating Governments meet the pay of the officers concerned.

INTERNATIONAL AVIATION CODE (ARRESTS)

*1062. **Shri Kamath:** Will the Minister of Communications be pleased to state:

(a) whether during the period since 1st April 1950 up to date, any members of the crew operating the various Air liners in India have been arrested on charges of smuggling or other misconduct contrary to the International Aviation Code;

(b) if so, how many, and on what grounds; and

(c) how many were prosecuted and convicted, how many acquitted, and how many cases were withdrawn?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

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

FLOODS IN COASTAL DISTRICTS OF ANDHRA

*1063. **Shri P. Kodanda Ramiah:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the rice-growing areas of coastal districts of Andhra were very much affected by the recent floods due to the rise of the hill streams?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): In the West Godavari District due to heavy rains 160,000 acres under paddy crops are reported to have been submerged resulting in an estimated loss of 60,000 tons of rice. Some damage to food crops due to floods is also reported to have occurred in Krishna District, but details are not yet available.

PASSENGER AIR LINES

*1064. **Shri Kamath:** Will the Minister of Communications be pleased to state:

(a) the number of passenger air lines in operation on the 1st January, 1951;

(b) the position with regard to the same as on the 1st September, 1951; and

(c) the reasons why some companies have gone out of existence or some services have been discontinued?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 8.

(b) 7.

(c) None of the companies operating scheduled passenger services has gone out of existence. Some services have been discontinued or their frequencies reduced on account of either shortage of aviation fuel or lack of traffic or due to seasonal operational difficulties on the routes concerned.

Ab initio TRAINER AIRCRAFT

*1065. Shri Kamath: Will the Minister of Communications be pleased to state:

(a) how many types of all-metal ab initio trainer aircraft are in use in Civil Flying Clubs or Training Centres in India;

(b) how many of each type were purchased by Government or Clubs, year by year, since the 15th August, 1947; and

(c) how many of each type are now unserviceable?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Three, namely, Beech Bonanza, Silvaire and Chipmunk.

(b) and (c). I lay on the Table a statement giving the information. [See Appendix VII, annexure No. 5.]

'S.S. Binfield' CARGO SHIP

242. Shri Kamath: Will the Minister of Transport be pleased to refer to the answer given to my unstarred question No. 116 asked on the 25th August, 1951 and state:

(a) whether the Government of the U.K. has taken any notice of or action on the report made by India about the British cargo vessel, 'S. S. Binfield'; and

(b) if so, what communication on the subject has been received by Government from the Government of U.K.?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The report regarding the disappearance from Bombay Port of the British ship 'Binfield' was made by the Government of India to the Government of the United Kingdom through the British High Commissioner in India. Intimation has since been

received from the High Commissioner that the report has been communicated to the Government of the United Kingdom whose reply is awaited.

LAND UNDER CULTIVATION

243. Shri Kishorimohan Tripathi:

(a) Will the Minister of Food and Agriculture be pleased to state the total acreage cultivated under each of the following crops during the years 1949, 1950 and 1951:

(i) food crops;

(ii) jute;

(iii) cotton; and

(iv) oil seeds?

(b) Was any acreage under food crops diverted from food crops to oil seeds?

(c) If so, what is the acreage of such diversion?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) A statement giving the required information is placed on the Table of the House.

(b) and (c). The Integrated Production Programme, formulated by the Government of India, does not provide for any diversion of area from under foodgrains to oilseeds. There has in fact been a small increase in the area under oilseeds but in the absence of a field to field survey it is not easy to assess how much of the increase has been at the expense of foodgrains.

STATEMENT

Acreage under Cereals, Jute, Cotton, and Oilseeds, in India during 1949, 1950 and 1951

(Thousand acres)

	1949	1950	1951*
Cereals (a)	186,803	194,371	192,728
Jute	834	1,163	1,449
Cotton	11,293	12,173	13,859
Oilseeds (b)	23,586	24,855	25,950

*Subject to revision.

(a) Include Rice, Jowar, Bajra, Maize, Ragi, Wheat, Barley and small Millets.

(b) Include Groundnut, Sesamum, Rape and Mustard Linseed and Castor.

ALL-INDIA WOMEN'S FOOD COUNCIL

244. Shri Kahndiram Mahata: Will the Minister of Food and Agriculture be pleased to state:

(a) the total amount granted so far by the Government of India to Wo-

men's Food Council, for running Cafeterias and other incidental matters separately;

(b) the amount of loss or gain derived from the Cafeterias so far;

(c) the amount spent so far by the Women's Food Council for purposes other than running of Cafeterias; and

(d) the terms and conditions of grant to Women's Food Council?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (c). A statement is laid on the Table of the House. [See Appendix VII, annexure No. 6.]

(b) The gross monthly income derived from sales in the New Delhi Cafeteria (Annapoorna) has so far exceeded the monthly expenditure by about Rs. 3,500. This balance of the gross income is required for carrying out further improvements.

The cafeteria in Bombay has been organised only recently on the 17th July, 1951 and details in regard to expenditure and income of this cafeteria are not yet available.

(d) A copy of the Resolution issued by the Government of India on the 16th October, 1950, setting up the All India Women's Food Council is placed on the Table of the House. [See Appendix VII, annexure No. 7.]

SUGAR QUOTAS FOR *Halwais*

245. **Shri Deshbandhu Gupta:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of *Halwais* on 31st July, 1951 who are given quota of sugar in Delhi;

(b) the principle on which this quota is allotted;

(c) the number of those who are given quota of more than one maund of sugar per week and the number of those who are given quota of less than 2½ seers per week and the reasons for this disparity;

(d) the names of the various Registered Associations of *Halwais* in Delhi with their respective membership and the amount of sugar quota allotted to each association;

(e) whether it is a fact that last year, a special quota of sugar was allowed for *Janam Ashtmi* and the same was not allowed this year and if so, the reasons for the same;

(f) whether it is a fact that the Delhi Milk and Sweet Merchants Association has made representations to the Director of Civil Supplies, Delhi, and the Government of India, pointing out

the inadequacy of the quota granted to this Association and also that in some cases the quota works out at less than a pound per week per shop-keeper;

(g) whether it is a fact that about three months back, the Director of Civil Supplies, Delhi, had promised to increase the total quota of the *Halwais* of Delhi by 60 tons per month; and

(h) if so, whether this promise has been carried out and if not, what are the reasons?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) 1124.

(b) Sugar quota for *halwais* is assessed mainly on the following considerations:

(i) the location of the shop;

(ii) the size of the shop;

(iii) the rent of the premises occupied;

(iv) kind of products manufactured;

(v) whether the establishment is a Municipal Licence Holder;

(vi) average sale, daily/per week;

(vii) sugar quota allotted, if any, in 1944-47 control; and

(viii) number of servants employed;

(c) 31 and 47 respectively. The size of quota depends on the considerations as mentioned in reply to part (b) above.

(d) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 8.]

(e) Yes. This year additional quota of sugar was given for distribution to domestic consumers only who were supplied sugar through ration cards. It was not considered necessary to allow any extra quota to *Halwais* or other confectioners on whose products there is no price control and as they can very well afford to obtain their requirements from the open market where sugar is freely available.

(f) Yes.

(g) No.

(h) Does not arise.

PUBLIC TELEPHONES IN CALCUTTA

246. Shri S. C. Samanta: Will the Minister of Communications be pleased to state:

(a) the number of Public Telephones in the city of Calcutta;

(b) the expenditure incurred for installing these telephones for public use;

(c) the recurring expenditure for maintaining these telephones per month;

(d) the average number of calls in and income from these telephones per month; and

(e) whether Government propose to open more telephones for the use of the general public?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 80.

(b) Initial total expenditure Rs. 23,000 (approx.)

(c) Average recurring expenditure is Rs. 10-14-0 per month per public call office.

(d) (i) Average number of calls booked is 380 per month per public call office.

(ii) Average revenue per month per public call office is Rs. 75 (approx.)

(e) Yes.

GLIDERS

247. Shri Kamath: Will the Minister of Communications be pleased to state:

(a) the total number of gliders in operation in India to-day;

(b) whether any reports are available to show how many persons have so far taken advantage of these gliders for becoming air minded;

(c) if so, how many; and

(d) whether Government have any plan for the expansion of glider training and if so, the details of such plan?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 8.

(b) Yes.

(c) 28.

(d) The Government's plans will be found in the Government of India's Post War Planning "Aeronautical Training and Education", at pages 5-6.

CIVIL AVIATION TRAINING CENTRE

248. Shri Kamath: Will the Minister of Communications be pleased to state:

(a) whether any Flying Club or Civil Aviation Training Centre in India is in a position to repair damaged airframe of an all metal aircraft; and

(b) if not, where such repairs are carried out?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The Flying Clubs and the Civil Aviation Training Centre have only very limited facilities for such repairs. Major repairs are carried out at the Hindustan Aircraft Ltd., Bangalore.



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(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

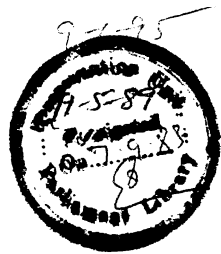
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PARLIAMENT OF INDIA

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THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Saturday, 15th September, 1951.

*The House met at Half Past Eight
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

BUSINESS OF THE HOUSE

Shri Kamath (Madhya Pradesh) : Sir, you will remember, and the House will recollect that the Leader of the House told us some time ago that the House might have to sit till the middle of October if not beyond. There are three holidays of Dusehra falling on the 8th, 9th and 10th, and the 12th also is a holiday on account of Muharram. Therefore, it is very desirable for the Leader of the House to make a definite statement as regards the duration of this current session as early as possible, in any case so as to facilitate the issue of the circular as regards allotment of questions after the 28th till which date the session is scheduled at present. The statement will have to be made at the latest on Monday morning. But apart from that, may we take it that, as the Leader of the House has already told us that we may have to sit till the middle of October, irrespective of considerations about sitting beyond Dusehra the House will definitely sit till the 6th, and a definite statement may be made to the House on Monday or soon thereafter about the extension after Dushera?

The Leader of the House (Shri Jawaharlal Nehru) : Yes, I entirely fall in with the suggestion made by the hon. Member that we certainly will sit till October 6th. As for what happens after that, I cannot definitely state. I 306 PSD.

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should very much like us to finish our work by that date. At the same time there are some measures which simply have to be passed, unless we leave gaps and difficulties to face us later. It really depends very much on our mutual co-operation and the co-operation which the House gives in this matter. It is difficult to lay down a time-table unilaterally. It has to be adhered to by all of us together...

Shri Kamath: Bilaterally.

Shri Jawaharlal Nehru: Not bilaterally, multilaterally. And I hope that we shall be able to deal with this matter. If the House likes, I shall just mention some of the important measures that we have still to consider. I had stated previously that the Hindu Code Bill might be taken up from last Monday.

Mr. Deputy-Speaker: Next Monday.

Shri Jawaharlal Nehru: Last Monday, as I had stated previously. But nearly the whole of this week has been taken up by my colleague, the Home Minister.

Shri Sidha (Madhya Pradesh) : He has not taken it, the House has taken it.

Shri Jawaharlal Nehru: I mean to say his Bill.

The Minister of Home Affairs (Shri Rajagopalachari) : I have been mostly silent during the time.

Shri Jawaharlal Nehru: And that has, I must say, slightly upset the time calculations.

In our desire to get important things done, we gave serious consideration to how to deal with the Hindu Code Bill. Government was anxious, and I think the majority of Members were very anxious, that we must proceed with it, and we intend proceeding with it fully. But exactly in what manner we should do it, and how far we can get through, we have to consider. Whatever portion we get through we must

[Shri Jawaharlal Nehru]

finalise—we cannot leave things hanging. We are taking it up immediately after this Bill.

Then there are other important matters; there are also a number of relatively small Bills like the Benares Hindu University (Amendment) Bill and the Aligarh Muslim University (Amendment) Bill. There is the Industries (Development and Control) Bill which is important, which can only be taken up early in October because my colleague, the Minister in charge of it is going abroad to attend in London a conference of Industries and Supply Ministers. He will be back at the beginning of October; by then this will be completely ready and we propose to take it up then.

Then there is the Forward Contracts (Regulation) Bill, the State Financial Corporations Bill, the Labour Relations Bill, and two Bills dealing with displaced persons and evacuee interests. There are one or two others also. Then there are the Supplementary Demands.

There is one other matter which the House will remember: discussion on the report of the committee of enquiry appointed in Mr. Mudgal's case on which all Members have received the full report. We must come to a decision on that matter.

Hon. Members: What about the Planning Commission?

Shri Jawaharlal Nehru: Yes, there is the Planning Commission, too.

We would have taken up Mr. Mudgal's case early in the session but I thought that perhaps it would be preferable for the Speaker himself to be present when we took it up. That is why we delayed it. Unfortunately, there is no knowing when the Speaker can come here, or whether he can come at all in this session. So, we cannot wait for his coming now and we shall have to take it up at a convenient date.

Mr. Deputy-Speaker: After the 6th there are four or five holidays.

Shri Jawaharlal Nehru: I realise that.

Mr. Deputy-Speaker: If we have to meet thereafter, are we to receive questions now?

Shri Jawaharlal Nehru: I should not accept questions after that date—only up to the 6th.

Mr. Deputy-Speaker: Then, we have been meeting at 8-30 every morning but the sun is rising later now. Therefore, can we have the House to meet at nine o'clock and go on till 1-30 P.M.?

Hon. Members: Nine to one.

Shri Jawaharlal Nehru: I do not mind what time you will be pleased to fix but it should not lessen the time at our disposal every day—it does not matter whether it is the morning or the afternoon.

Shri Kamath: May I suggest two to seven in the afternoon? We can spend the warm afternoon in the cool chamber.

Shri Jawaharlal Nehru: It is entirely for you, Sir, and the House to decide, but I do submit that the time available should not be reduced.

Seth Govind Das (Madhya Pradesh): I would propose that the present time should continue because starting after half-past eight is pretty late.

Shri Rajagopalachari: We have got used to a certain routine now and we should not cut it down by a quarter or half an hour. It would be best as we are doing now, especially because 8-30 to 9-30 is a critical time for people who had given notice of questions and who are anxious to put supplementaries.

Shrimati Durgabai (Madras): In view of the heavy agenda before the House, can we not have two sittings?

Hon. Members: No, no.

Mr. Deputy-Speaker: Even with the single sitting we are taking too long...

Shri Jawaharlal Nehru: That is to say, the hon. Member desires two sittings daily?

Shrimati Durgabai: Yes.

Shri Jawaharlal Nehru: I would submit that we cannot normally have two sittings not only because it will be far too great a strain but also because most Members are engaged in Committee meetings. But I have no doubt that if it is necessary later on in the session we may have to do it. For a few days it is a different matter.

Shri Kamath: On a point of clarification, as regards the extension of the session beyond Dusehra, may we expect a statement from the Leader of the House on Monday or next week?

Shri Jawaharlal Nehru: How can I make any further statement? Because, my desire is that we should finish by Dusehra—it will have to be much later if we find the position different.

**DELHI AND AJMER RENT CONTROL
BILL****EXTENSION OF TIME FOR PRESENTATION OF
REPORT OF SELECT COMMITTEE**

The Minister of Works, Production and Supply (Shri Gadgil): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be further extended upto the last day of the first week of the next session."

Mr. Deputy-Speaker: Motion moved:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be further extended upto the last day of the first week of the next session."

Shri Deshbandhu Gupta (Delhi): I do not oppose this motion, because I realise that from a practical point of view it is very difficult for this House to pass this Bill. Therefore, by allowing leave of extension to the hon. Minister we will be only doing the right thing.

But I take this opportunity to point out that when the amending Bill was passed during the last session I specially drew his attention to the recommendation made by the Delhi Improvement Trust Enquiry Committee that new houses should be exempted from the purview of the Rent Control Act. The hon. Minister was pleased to make a statement in the House that the matter would receive Government's sympathetic consideration. At that time a special clause was introduced in the present Act which empowered Government to exempt, by notification, such classes of houses as they thought fit. We were looking forward to a specific provision being made to that effect in this Bill, which is of a comprehensive nature. Since this Bill is not likely to be passed in this session, I take this opportunity to draw once more the attention of the hon. Minister to that statement which he made and I hope Government will not lose any more time in taking some step in that direction.

Shri Sidhva (Madhya Pradesh): When this Bill was under discussion

last time this subject was raised by my hon. friend and I opposed the idea of absolute exemption for new buildings, because that would create great hardship to the tenants. The hon. Minister also agreed with me.

In the Bombay Act there is a provision for partial exemption for new buildings to enable landlords to put up new buildings. But the Bombay Act is not acceptable to my friend; he asks the hon. Minister to make a declaration that absolute exemption should be given to new buildings. I would, however, warn the hon. Minister that if by notification any absolute exemption were to be given, that will create a lot of hardship to the tenants.

Shri Gadgil: When I moved last time my motion for further extension of time, I explained that it was necessitated by a special procedure followed by the Select Committee. The Select Committee allowed the representatives of the tenants as well as landlords to give them their points of view. Secondly, on account of the fact that several Select Committees were meeting, it was not possible to secure a quorum for our meeting.

As regards the point raised by my hon. friend Mr. Deshbandhu Gupta, he knows how much his proposal was opposed then and is being opposed now. However, whatever I have stated at the time when the last Bill was enacted by this House I shall continue to consider, and although I cannot promise him full satisfaction, I shall certainly meet his wishes as far as possible and so far as they are consistent with the best interests of the tenants as a whole.

Shri Deshbandhu Gupta: I want to make one point clear. On this point there is no question of any difference of opinion between the landlords and the tenants. An impression is likely to be created by the remarks made by Mr. Sidhva that this exemption would work to the prejudice of the tenants. The point I raised was that the Delhi Improvement Trust Enquiry Committee made a unanimous recommendation, in the interest of development of housing activities, that new buildings should be exempt from the purview of the Rent Control Act. A resolution to this effect was also passed by a conference of landlords and tenants and they both agreed that so far as new buildings were concerned rent restrictions should be removed. So far as small tenants are concerned, if Government feels so, small tenements may not be exempted. I have abso-

[Shri Deshbandhu Gupta]

lutely no objection to that. My only anxiety is that there should be more houses so that pressure on housing may be reduced and ultimately tenants may benefit.

Pandit Thakur Das Bhargava (Punjab): As in the Punjab and United Provinces.

Mr. Deputy-Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, be further extended upto the last day of the first week of the next session."

The motion was adopted.

DISPLACED PERSONS (DEBTS ADJUSTMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

The Minister of State for Rehabilitation (Shri A. P. Jain): With your permission, Sir, I would like to move the motion in an amended form. I had fixed 27th September as the last date for the submission of the report. In order that we may not have to come before the House to ask for a further extension, I would like to make it 2nd October.

Shri Sidhva (Madhya Pradesh): Then there will not be time for the House to consider it, because seven days' notice is required.

Pandit Thakur Das Bhargava (Punjab): Our fear is that it may not come up for consideration before the House in the present session. I would, therefore, ask the hon. Minister to retain the 27th September.

Shri A. P. Jain: The hon. Member is himself a member of the Committee and he knows well how I have been pressing the members to put the Bill through the Committee.

Pandit Thakur Das Bhargava: I am fully aware of it: but my fear is that from a practical point of view if the Select Committee submits its report by the 2nd of October there will be very little time left for us to consider it.

Shri A. P. Jain: Even if we fix the 2nd October, it is open to us to present the report earlier and if we finish the

report by the 27th or 28th we may place it before the House which would leave one week for hon. Members.

Pandit Thakur Das Bhargava: I am only anxious that it should be considered during this session; you may fix any date you like.

Shri A. P. Jain: If only you co-operate with me. I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, be extended upto Monday, the 1st October 1951."

Mr. Deputy-Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto, be extended upto Monday, the 1st October 1951."

The motion was adopted.

PRESS (INCITEMENT TO CRIME) BILL

Shri Sidhva (Madhya Pradesh): What will be the programme for this Bill. Will the hon. Minister reply to the debate today.

The Minister of Home Affairs (Shri Rajagopalachari): If the question is left to myself, I would very much like to begin at 11-30 and finish at 1-15. I want about 100 minutes. I requested all friends who liked to support the Bill not to engage the House and themselves at length and allow the opposition practically to get on with it. There is no use simply having long discussions. The best of them have spoken against the Bill and I suppose if I have no answer for them there is no need for any further proceedings. The most important among them have each taken more than one hour and in justice I should deal with them as far as I can. I therefore do require 100 minutes at least.

Shri Sidhva: My hon. friend Mr. Goenka may take a couple of hours.

I am supporting the Bill and I must be given at least 15 minutes.

Shri Rajagopalachari: Let us decide after Shri Goenka finishes.

Mr. Deputy-Speaker: I find that 18 Members have already taken part in the debate. I am entirely in the hands of the House. At a later stage, if a closure is moved we shall see.

Shri Sarangdhar Das (Orissa): You have said that I was not taking any interest in the Bill that was being considered previously. This time it is a very important measure and I want to record my opinion on it.

Shri Rajagopalachari: The best way is for you to manage the House. If at each point we spend time over the procedure itself we simply waste more time

Shri Goenka (Madras): Sir...

Mr. Deputy-Speaker: I have already appealed to hon. Members to be as short as possible. Shri Deshbandhu Gupta spoke at length. I expect that Shri Ramnath Goenka will try to conclude as early as possible.

Shri Goenka: In obedience to your wishes, Sir, I shall try to be brief.

I oppose the motion before the House with all the emphasis at my command. I feel that the Bill is absolutely unnecessary and uncalled for. It will subject us to criticism not only in this country but outside it. I shall try to prove to your satisfaction and the satisfaction of the House that this Bill is not fit to be put on the statute book of this free country.

When I speak on this Bill, I suffer from several handicaps. Firstly, I am a member of the Congress Party and the Bill has been introduced here as an official measure. Secondly, the Bill has been introduced by the hon. the Home Minister whose power of advocacy...

Shri Rajagopalachari: Is very poor!

Shri Goenka:whose power of advocacy backed by incisive logic, similia, metaphors and parables...

Shri Rajagopalachari: ...which are more indulged in by the other side than by me.

Shri Goenka: I am grateful to the hon. the Home Minister for the compliment.

With all that, with the assistance of his advocacy he can make two and two three or five if he chooses to do so.

Shri Rajagopalachari: That is not fair.

Shri Goenka: In fact, he did so when he moved the motion for reference to Select Committee.

Thirdly, there is initial prejudice in this House against the supposed 'haves', whatever may be their services and sacrifices. Once a supposed 'have' speaks, there is initial prejudice. I would like the House to keep an open mind in regard to this matter which is more important to the public at large than to the members of the Press.

An Hon. Member: Are you a 'have'?

Mr. Deputy-Speaker: After all, the hon. Member said only a 'supposed have'.

Shri Kamath (Madhya Pradesh): 'Supposed have' or 'so-called have'?

Shri Goenka: The fourth handicap is that none of the Members of this House has any experience of the problems of the Press. If hon. Members will go to a newspaper office and sit there for twenty-four hours consecutively, then they will realise those problems. The production of a newspaper is a highly technical thing. Book knowledge will never get you anywhere near the facts of the case. The difficulties of a newspaper office are peculiar. I shall presently explain them, but for the time being let me say that the difficulties of the Press are different from the difficulties of other organisations. Consequently, the responsibility of the Press is also very great. The Press has to perform what might be called a thankless task. The newspaper has to be produced practically all the 365 days of the year. Not only that; it has to be produced at times several times a day. It has to fight against the clock all the time. Every minute counts. With newsprint control, space has to be rationed. My personal experience has been that I have made enemies of my very good friends simply because I could not give them the full space they desired.

Shri Kamath: Who are they?

Shri Goenka: No names. One good politician, not as big as the Home Minister or the Prime Minister, but a good politician makes a speech. He thinks he has made the best speech of the day and the newspapers must give as much publicity to it as they do to the speech of either the Home Minister or the Prime Minister, but owing to lack of space and various other factors...

Shri Sidha: That is a good excuse.

Shri Goenka: ... we give a quarter column of space. When we do that, he has a perpetual grievance against the editor. He remembers it all the time; he never forgets it; he never excuses the editor for it. My hon. friend Shri Sidhva says that it is a good excuse. I say, let him go and serve in a newspaper office for six months, or let him start a newspaper. Then he will know the facts. For the time being, I would ask him to keep an open mind. I appeal to him, the House and everybody to keep an open mind. If after hearing me with an open mind you come to the conclusion that I am wrong, well, there it is. I claim that even Rajaji with his wide experience and sharp intellect is not able to grasp the implications of the various difficulties of a newspaper. His knowledge is also only second-hand, although he was a celebrated editor of the famous journal started by Mahatma Gandhi Young India.

An Hon. Member: It was only a weekly.

10 A.M.

Shri Goenka: Weekly or daily, it is immaterial.

The position I want to take and which I want my hon. friends to understand is this. From a narrow commercial point of view this legislation does not affect a newspaper at all, for as long as a newspaper is allowed to publish certain items of news—it does not matter what items of news—no newspaper will suffer pecuniarily. Economically it is not a losing case at all for a newspaper, it is only when one applies it to the interests of the people that the difficulty arises. I would like to submit that when the Press fights for its rights let it be clearly understood that the Press as such has no interest in fighting for "the so-called" its rights: it only fights for the rights of the people. Any curtailment of the freedom of the Press affects the people and not the newspapers.

Shri Rajagopalachari: You are beating me in advocacy.

Shri Goenka: I am advocating your cause and my cause and the cause of the public. I will answer the hon. Home Minister. The hon. Minister being a very prominent politician, one of the most celebrated statesmen of the country...

Shri Rajagopalachari: I think I was misunderstood. It was not an argument, I pointed out that he was proving to be a better advocate than myself whose advocacy he was praising.

Shri Goenka: Suppose he goes before the public, he has an audience of a hundred thousand, and he delivers a speech. Under the Indian Penal Code he cannot be prosecuted for that speech. But if I publish this speech I am prosecuted under this Bill.

Shri Kamath: He will never make such a bad speech.

Shri Goenka: I am not suggesting that it is a good speech or a bad speech. After all, a speech is a good speech if it does not come within the provisions of the Indian Penal Code. And there is the Indian Penal Code which governs every human being in this country. Once it does not come within the clutches of the Indian Penal Code, it is a good speech. But if it is a good speech and if I apply the same criteria which the Indian Penal Code applies for a particular speech, then I am prosecuted but not the man who delivered the speech.

Let us examine this difficulty. I would like you to appreciate this difficulty that when some audience goes to listen to a speech of some eminent personality, as I have mentioned, where there has been a large crowd, and when any person of such audience reads my paper the next morning he finds that the relevant portions of the speech are absent there. He does not know what the law is, what we are permitted to do, what we are not permitted to do. All that happens is that he has a grouse against the newspapers that newspapers go on editing news which suits their own purpose and do not give actual factual news which they are supposed to publish. That is one point.

So far as the curtailment of the freedom of the Press is concerned, as I said, purely from a selfish point of view it is immaterial what they are allowed to publish as long as other competitors or newspapers would do no better. So the advantage or disadvantage of the Press is immaterial purely from the financial or selfish point of view. The main point here is the denial of information, comments and the like to the people which is their birth-right. Therefore, I would like you to calmly consider this aspect of the question. Again, let me tell you that papers like mine or other prominent papers can look after themselves. It is only in the interest of the large numbers of newspapers which are likely to be harassed by the provisions of this Bill that we are raising a voice of protest here.

Shri Bharati (Madras): Including the yellow Press?

Shri Goenka: And I will tell you how they will be harassed. But before that I would like, with your kind permission to refer to one or two paragraphs from the Report of the American Commission on the Freedom of the Press which will give us an idea of what the function of the Press is and what it stands for :

"Freedom of speech and Press is close to the central meaning of all liberty. Where men cannot freely convey their thoughts to one another, no other liberty is secure. Where freedom of expression exists, the germ of a free society is already present and the means is at hand for every extension of liberty. Free expression is, therefore, unique among liberties as protector and promoter of the others ; in evidence of this, when a regime moves towards autocracy, speech and the Press are among the first objects of restraint and control."

I am not attributing any motives to Government. I am not suggesting that we are moving towards autocracy. But all that I am submitting to you is that they are wrong, and absolutely wrong in proposing this measure.

Again they say :-

"Freedom of the Press exists to enable the Press to perform its essential task of dispensing news and ideas. The press cannot do this well unless it is largely independent from control by its more powerful associate—the government."

I want the hon. the Home Minister to underline the words "more powerful associate", and that is the Government.

"Any joint enterprise, to be successful, requires such mutual independence among its principal members. A marriage where one spouse merely echoes the other is a colorless affair. A law firm whose senior partner dogmatically imposes his own opinions on everybody else will be deprived of the customary fruitful interchange of views among partners. A man's ideas are not worth hearing unless he is free to say exactly what he thinks. Similarly, if newspapers are reduced to government bulletins, they will contribute very little to the formation of public opinion or to the guidance of official action."

This is from the Report of the American Commission on the Freedom of the Press.

I want the hon. the Home Minister to appreciate another aspect of the question. Can he show me a single instance in the history of this country where the Press has let down the interest of the nation? In fact, when I remember those days of 1942 I recall how at the bidding of Mahatma Gandhi 50 per cent. of the Press in India closed down and said that they would not submit themselves to censorship because censorship would mean taking away the right of the citizen to know actual facts and news. I have read the history of the development and evolution of the Press in the world and I can say without any fear of contradiction that nobody can show me a single example which can even remotely compare with the sacrifice which the Press of India underwent in 1942, only to see that news in regard to the political movement was not withheld from the public whom the Press was serving. Can you show me a better instance than the instance of 1942? I am not one of those...

The Minister of State for Information and Broadcasting (Shri Diwakar): What about the other fifty per cent?

Shri Goenka: There are black-sheep everywhere. There are black-sheep even in the Cabinet. Therefore, let us not talk about outside or inside. Everybody cannot be the same. Some people felt that they were serving the public after getting their news pre-censored. That is their point of view. I submit that 50 per cent. of the newspapers closed down and would not submit to pre-censorship and will not deny their leaders their legitimate right. I say that this is one of the greatest achievements and it is the greatest credit to the Press in India.

Then again, I will submit for your consideration and for the consideration of the hon. Home Minister that in all relevant matters such as the Nehru-Liaquat pact and subsequently when very many serious situations arose in the country the Press did not fail in its duty. The Press will have the interest of the nation first and the nation last. I am not here to repeat the various praises that have been sung by no less a person than our Prime Minister. I am not here to repeat them ; I am not here to refer to them but all I say is this: that having got the bouquets that the Press deserved and richly deserved we are being confronted with this Bill which the Press has unambiguously rejected.

I will not dilate on this subject very much but I must say that the debate in this House proceeded on completely erroneous notions so far as

[Shri Goenka]

the supporters of the Bill were concerned. They suggested that the Press wanted no laws, that it wanted a licence, that there was no law to penalise them etc. But how can you penalise a co-operative venture like the Press? There must be somebody who must be penalised. I will deal with this matter a little later, but let me say this. It is wrong to suggest that the Press thinks that there can be freedom without restraint. The restraint should be there. The Press of India has by the past record shown that not only they can put restraint upon themselves but they could even submit to self-denials. That being the case, is there no law in the country? Can anybody do whatever he likes and is the Indian Penal Code not there? Let me tell you this: What is the origin of the Press law in this country? In 1908 the anarchist movement was at its height, when attempts to take the lives of the Governors of Provinces were being made, when even without producing evidence in such cases, people were being murdered. It was then the Press Act of 1908 was introduced. The justification from the administrative point of view of that law at that juncture, we will all agree today, was ample, for no State whatever the State might have been and whatever the Constitution of the State was, could go on in an anarchic State. Naturally the Government got ample powers and one of the reasons shown was that the Press was supporting or backing up this anarchic movement. Naturally they had to produce that 1908 legislation. That continued till 1920 when the Montague-Chelmsford scheme came. A committee was appointed and they said that the Act must be removed from the statute book. That was their recommendation and the British Government approved of that suggestion and removed that Act from the statute book and this country was free from any Press law between 1920 and 1930.

Pandit Thakur Das Bhargava (Punjab): By a Bill in 1922 section 99A was introduced.

Shri Goenka: That was so, but during that period, there was no special law for the Press in this country. In 1930 when Mahatma Gandhi returned from England and when the non-cooperation movement was to be started, this 1931 Press (Emergency Powers) Act came into existence. Then again purely from the administrative point of view the British Government would not put up with these breaches of law and therefore, this Act had to be enacted. This

Act of 1931 was opposed tooth and nail by all the stalwarts of the Congress Party in Parliament...

Pandit Thakur Das Bhargava: The Congress Party then had boycotted the Legislature. There were only the other people.

Shri Goenka: I am sorry, they were outside the Legislature. This Act was opposed tooth and nail by the Congress Party outside the Legislature and even those who were in the Legislature opposed it tooth and nail, so much so that it took 19 days to see the Bill through the Assembly. In 1947 immediately we came into power, we appointed a Press Laws Inquiry Committee. While the 1921 Committee which wanted the repeal of the previous Acts was accepted by the then British Government, what do I see today? The Congress Government, the Government which have fought for the liberty of the Press, for the liberty of the citizen, which wanted to remove this country from the bondage of a foreign yoke, that Government today does not accept the report of the Press Inquiry Committee. The Press Inquiry Committee went into facts that were placed before it by independent men, men who were not connected with the Press—there were two members of the Press sitting on the Committee—and the Committee unanimously came to the conclusion that this 1931 Act should be removed from the statute book. Although the hon. Home Minister claims that he is removing it from the statute book, actually he has brought forward the same Bill in a worse form, in a more vigorous form in the shape of the present Bill. What did the Press Laws Inquiry Committee suggest? They do not suggest that the Press should be let loose, that they should be subject to no laws, that they should be subject to no restraints: they have gone to the extent of suggesting that the Press can be closed for a temporary period under certain circumstances. If that report is not acceptable, if the public opinion is not acceptable, then I do not know what is behind the mind of the hon. Home Minister in introducing this measure.

Now, Sir, what I was submitting was the difficulties of the Press in this country. I say that it is for this reason that some of us supported the idea of the appointment of the Commission. I do not mind what you do to the Press. I want you to do it after knowing the full facts of the case, after examining the pros and cons of the matter, after going into the exigencies which confront the Press day in and day out, knowing the full facts

as they did in England. They ascertain full facts by appointing a Royal Commission on Press. You appoint a Commission, go into the full facts and then if you are convinced, that there is something wrong with the Press, liquidate it and I will be one with you, if you so desire. What I am suggesting is that you do not know the facts of the case. You are all acting on hearsay evidence. Hearsay evidence is a most dangerous thing to go upon, particularly when an institution, like the Press of the country is involved, which as I said, and as has been pointed out, is complementary to the Government and cannot be subservient to the Government, because if it becomes subservient, it loses the purpose for which it has been built. Therefore, we welcomed the idea of the appointment of the Commission.

Shri Kamath: Are all the Press bosses unanimously in favour of appointment of the Press Commission?

Shri Goenka: I have not heard any Press boss who has voiced against the appointment of such a Commission.

Shri Rajagopalachari: That is negative support.

Shri Goenka: So far as I am concerned, when I met the Prime Minister, I asked him, "Will you please see that this Commission is appointed as early as possible so that the cloud which is gathering against the Press may be removed and people may know exactly where the Press exists?"

Money alone cannot create a Press. It is the readers that could create a Press. One may pour as much money as he likes; he cannot create a Press. As the leader must have followers, so, the Press must have readers. The Press is not built by money alone; it is by the support of the public that the Press is created. As I have said, the Press only represents the public and they have no self-interest in regard to any matter which concerns the liberty of the Press.

I will now come to a pertinent question in connection with this Bill. When this Bill was introduced in this House, I derived a very peculiar pleasure out of it. I will describe that peculiar pleasure by giving a story. A woman was jumping with joy when her husband was lying dead. I hope, Sir, you will pardon me if I go into the parable. I think I cannot describe my feeling better than by giving this story.

Mr. Deputy-Speaker: Even without a parable, the hon. Member's speech is very interesting.

Shri Goenka: I am very glad, Sir.

A woman was jumping with joy when her husband was lying dead. She was a faithful wife. She was asked why she was joyful when her husband was dead. She said, "My dream has come right". She had dreamt the previous night that her husband would die. When her husband died, she was happy because the dream had come right.

Shrimati Durgabai (Madras): Is it only an imaginary story or did it ever exist?

Shri Rajagopalachari: The woman is presently going to become a man; so a woman need not object.

Shri Goenka: With due respect to my sisters, this story may be imaginary; I do not know. It is more likely to be an imaginary story than a real one.

Shrimati Durgabai: I wish it is.

Shri Goenka: But, the fact is that when this Bill was introduced, I was very happy about it. I was peculiarly joyful about it because my dream has come right. When we were discussing the Constitution (First Amendment) Bill, a lot of assurances, as you know, were given on the floor of the House by the hon. Prime Minister and the hon. Home Minister. I shall presently refer to them. At that time, in spite of all these promises, I had a lurking suspicion in my mind, let me be frank about it, that no amendment of the Constitution would have been attempted at that juncture but for the fact that there was something behind the mind of Government to gag or muzzle the Press. That was my honest conviction. I will refer you now to the assurances given by the hon. Prime Minister on the floor of the House, and after going into that, I will like you and the House to come to a conclusion whether those assurances have been kept up, and whether this Bill is not in direct contradiction of the assurances made on the floor of the House. On the 29th of May, the hon. Prime Minister said—I will not take the time of the House by going into great details...

Shri Sidhva: An Assurance is not a law.

Shri Goenka: Assurance is not a law, I know. That is why I say that when the hon. Home Minister says that this law will not be used and that it will remain a dead letter, these assurances have no value. After all the court has got to interpret the law as it exists on the statute book and

[Shri Goenka]

not the mind of the hon. Home Minister or the Prime Minister. That is my grievance and that is my case. Although I believe personally that as long as the Congress Government exists, as long as the hon. Home Minister and the Prime Minister are there, there is no chance of that law being misapplied, there is no guarantee that they will be there for all time.

Shri Sidhva: They will be there.

Shri Goenka: But, the statute book will be there and the law on the statute book will be there. They will be there after you and I have gone. This is permanently on the statute book. If it was of a temporary nature, if the emergency of the situation demanded it, I would be one with you and I will say, "The emergency demands it; the crisis demands it; therefore, we must have not only this law, but a worse law". What is the emergency today? Where is the crisis? So, what is its justification today? I would like to submit to the hon. Home Minister that there is neither any justification nor any crisis nor any emergency for this law at present in this country.

I will not read long speeches; I will only read the very relevant portion. The Prime Minister said:

"Because we were all the time considering the question of the Press rather independently, we wanted to deal with it independently, to put an end to some old laws and bring something more in conformity with modern practice..."

Putting an end to old laws is there. He said also, "We will bring something more in conformity with modern practice". Is this Bill in conformity with modern practice? I demand an answer. Show me an example of any progressive country or any democratic country on whose statute book there is a law which is in the nature of the Bill that is before the House today.

Shri Kamath: This is only a statement of the Prime Minister; not an assurance.

Shri Goenka: These assurances were given on the floor of the House.

Shri Kamath: Not an assurance; it is a mere statement.

Shri Goenka: He goes further and says:

"...in consultation with those people who are concerned with this matter."

He says further:

"...we do not wish and we do not wish any State Government, to take unfair advantage or any advantage of this change to curb the freedom of the Press, generally speaking, and we wish to review the whole scheme as soon as possible."

The Prime Minister's statement is that this review will be in consultation with those who are concerned with this matter.

Shri Bharati: Are you willing to co-operate?

Shri Goenka: You please wait and see. Has that co-operation which my hon. friend Mr. Bharati talks of, been obtained? Has any consultation taken place? What has been the result of that consultation?

I will make my task easier by quoting the hon. Home Minister himself. My hon. friend the Home Minister was speaking on 31st May, when the Constitution (First Amendment) Bill was being discussed in this House, Mr. Deshbandhu Gupta enquired from him:

"May I interrupt the hon. Minister? When he is thinking of that law, is it the intention of the Government not to revive section 4 of the Press Emergency Act?"

The hon. Home Minister said:

"It would have been more gracious for me to say without being asked, but the hon. Member has taken that grace out of it from me. I was going to the next sentence when I was going to say something more which the hon. Member has not in his mind and which will certainly be welcomed by him. We are not only going to bring a comprehensive measure, dealing justly and properly with all these questions which arise in that connection and in consonance with the spirit of the Constitution and not only the letter but also the removal of all things that have been felt to be bad. Certainly pre-censorship is bad and it is open for the House at that time when that law is introduced, if Government still persist in bringing such a measure, to oppose it. It is not the intention of the Government..."

These are the words which I want you to mark.

"It is not the intention of the Government to bring such a proposal at all."

He has said that proposals considered by the Press to be wrong would not be there. And so the Prime Minister says that he will bring this Bill in consultation with the Press and those concerned with the Press. The Home Minister says that such things as are considered by the Press to be wrong would not be there.

Shri Sidhva: Why do you not cooperate by consenting to serve on the Select Committee?

Shri Goenka: You talk of going to the Select Committee. But when the very basis of it is wrong, when the very fundamental of it is wrong and when the principle on which the Bill is framed is far from satisfactory what is the use of going into the Select Committee? I am just placing the facts as they are before hon. Members. Here is the Prime Minister who says that the Bill will be framed in consultation with those concerned with the Press and the Home Minister has said that there would be nothing in the Bill that would not be approved of by the Press or that is considered by the Press to be wrong. But I can say now that if at any time the Press was unanimous on any matter, it is now and on this measure. I am not going to weary the House by referring it to long editorials published in various papers in the country, condemning this Bill. I may, however, refer to the Journalists' Association's Memorandum which has been sent to the Home Minister and to the Members of this Parliament. There is unanimity among the working journalists of the land as also among the Press in their condemnation of this Bill. But it was said and it is said in the Statement of Objects and Reasons that this Bill is being introduced in pursuance of the undertaking that was given on the floor of the House. I say that the undertaking that was given was to another effect, that a Bill would be brought in, in consultation with the Press and which would be approved of by the Press. Here the Press has made it quite clear that it does not want such a Bill as this, and you are trying to oblige the Press by bringing in this Bill. May I submit for your very kind consideration and favourable action, if I may say so, that the Bill may be dropped? I make this request because no gentleman of the Press, no gentleman of the working journalists, nobody who is interested in the Press law wants this Bill. Now, they may say, "No, you are all children. You do not know your own mind. You are a small boy. After all we are the custodians of your interests also and, therefore, we want to force this Bill upon you". If that be the argu-

ment, then I would suggest, please do not give this Statement of Objects and Reasons. Please change it. Either what you have said is correct or what we have said is correct.

My hon. friend the Minister of State for Information and Broadcasting has been trying his level best to create a cleavage in the Press, to divide and rule it—the same old policy that was adopted by the British Government here. He just picks up a paper from here and another from there—inspired in the natural course of things—and says "Here is a paper that has supported the measure. The Press is not unanimous in this matter". This is very much like Hitler telling Henderson about the British. It is in his book *Failure of my mission*. He said whenever he went to Hitler to put up the case on behalf of the British Government, Hitler would say, picking up a paper from some obscure corner of the British Empire, "Here they abuse Hitler. And you talk to me?" Similarly the hon. Minister takes up one paper from some remote corner and gives it as an illustration to show that the Press is not unanimous. This is the practice which the hon. Minister proposes to adopt in this case. He says these papers have supported this Bill. But I ask the House, do one or two papers constitute the Press in India? Is there any doubt in the mind of anybody that this Bill is being unanimously condemned? If you go and adopt the same attitude which Hitler adopted in his good old days, in not seeing facts as they are, in not appreciating the real situation, if you base your argument on something which really does not exist, I would only submit that that would be a wrong way of looking at things.

Here there are several assurances given by hon. Ministers. All these ten pages of type-written matter which I have copied out from the proceedings of this Parliament—all these will prove the truth of what I have said. Rajaji at one place has said, in reply to Shri Deshbandhu Gupta:

"His appeal I do not say is wrong; but his reasons one cannot accept. Sir, with all respect I wish to say that this scare that the Press has gone into is wholly unnecessary and there was no cause for it whatsoever. I can only think for comparison of recent scares about children being kidnapped."

Shri Deshbandhu Gupta (Delhi): And subsequently it was proved that there were cases of children being kidnapped and the scare being well-founded.

Shri Goenka: And so in this case too our fears will prove to be well-founded. At another place the hon. Home Minister said :

"Then, Sir, Mr. Deshbandhu Gupta, on behalf of the Press spent a great deal of energy and time on the Press laws as such. I have said before and I say so again that it is the intention of Government to replace what had been declared by the previous decisions based on Article 19 of the Constitution to be void and of no effect. We will have to reframe the laws so that they may be consistent with the Constitution, as it stood and as it will now stand if this amendment is accepted, and that law will have to be introduced and I promise on behalf of Government that it will be drawn up and after due consideration, it will be placed before the country and before the House and will be passed in due measure."

Here I only want the hon. Minister to place the Bill before the country in the terms of this assurance that he has given to this House. If the country decides that this legislation is a reasonable measure then we will have to consider it. But I say that the country and the Press and everybody connected with the liberty of the citizen and the Press are unanimous in regard to their condemnation of this Bill.

[SHRIMATI DURGABAI in the Chair]

Rajaji says that he wants the general law to apply to all, to the Press as much as to the others. But he says :

"While logically admitting that any general law made would apply to the Press as much as to others, what I object to is the unnecessary application they have made to themselves of a proposal that has been made. Is it perhaps due to the fact that the Press is far too conscious of their own black-sheep that they got into the scare?"

I do not know what is meant by "black-sheep" here. He adds :

"It is probably a fact that there are far too many irresponsible—I do not say the majority, let the words not be misunderstood—expressions in the Press now and then, which perhaps make the Press as a whole rather too conscious of the fact that perhaps this proposal might be aimed at them. But I once again assure my hon. friend Mr. Gupta and all those who stand behind him that this was not intended as a weapon against the Press and this is not going to be

intended as a weapon against the Press."

Pandit Nehru went further than that :

"Now, I am in a difficulty. This particular amendment is not, let me remind this House, a law curbing or restraining anybody. All these amendments are enabling measures merely clarifying the power of Parliament which might be challenged or has been challenged in regard to some matters." And then :

"Whatever changes we may make in the Constitution today, it is highly unlikely that this Government or this Parliament will take advantage of them by passing laws to that effect unless some very severe crisis, national or international arises."

I submit that before the Home Minister introduced the Bill he should have proved to the entire satisfaction of Parliament that a crisis either national or international has arisen. This Bill can be justified only on that ground and in no other circumstances.

The Prime Minister further said :

"Now, a great deal has been said about the desire of this Government to put any kind of curb or restraint on the freedom of the citizen or Press or groups. First of all, may I remind the House that this Bill only perhaps clears up what the authority of Parliament is. We are not putting down any kind of curb or restraint."

Further on :

"In effect, therefore, it is not this Government that is trying to seek power or consolidate itself and certainly I do repudiate the suggestion which has been made here and there that any of these amendments are meant to be utilised for political or party purposes. Because nothing could be farther from our thought and, from the practical point of view, the House will observe that that can hardly be done. We do so that when we walk away from this present scene before the election or after, we leave something for the succeeding Parliament and for the younger generation that will come up..."

Mr. Chairman: What is the hon. Member reading from?

Shri Goenka: I am reading from the speech of the hon. Prime Minister delivered in Parliament at the time

when the Constitution (First Amendment) Bill was being discussed. He made the categorical statement that if a Press Bill was ever introduced in Parliament it was not his intention to introduce such a Bill so far as this Parliament was concerned—he would consult the Press of the country and the Home Minister added that if there was anything which was not approved of or was considered by the Press as wrong it would not be there. Secondly, that unless a crisis arose, either national or international, no such Press law was in contemplation. Thirdly, it was said that it was far from their intention to use the Bill to curb the freedom of the Press and that if necessary they would see that a Bill was brought to repeal all the obnoxious laws relating to the Press, so that the Press laws of the country were in consonance with modern practice and with the Constitution as it stood then and as it stands today. These are categorical assurances given by the Home Minister and the Prime Minister.

I do not want to take the time of the House by referring to the very many assurances repeated off and on in all the speeches delivered in this House. Even the Home Minister will not dispute the fact that these assurances were given. This Bill has been introduced in direct violation, if I may say so, of the assurances given on the floor of this House.

I will now come to the Bill and prove to your entire satisfaction that it is a mere repetition of section 4 of the Press (Emergency Powers) Act. When Shri Deshbandhu Gupta asked a question whether section 4 of the Press (Emergency Powers) Act would be repealed, a categorical answer was given that not only it would be repealed but they would go further than that.

Clause 2(a) is the same as in the Press (Emergency Powers) Act. Clause 2(b) is the same as in the Press (Emergency Powers) Act of 1931. Clause 2(f) in the present Bill is the same as clause 2(6) of the 1931 Act. There is some difference in regard to news-sheet. I do not know how a document becomes a news-sheet but the Bill provides that any document which is found in the opinion of the person authorised to search to be such can be declared to be a news-sheet and he can take it away. But I will deal with that later.

I will now take clause 3 of the Bill which relates to objectionable matter. This is exactly the same as in the Act of 1931 with some differences here and there and these differences make the

rigours on the Press more than in the Act of 1931. Clause 3(1) says:

"Incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area."

The word "sabotage" was not there before and it has now been introduced. The words "its authority in any area" have also been introduced. "Sabotage" is not a word known in legal phraseology according to what my lawyer friends tell me. I looked up in the dictionary as well, such as Burroughs. (An Hon. Member: It is a new word.) It may mean anything from obstruction to destruction. My friend Pandit Bhargava yesterday gave the genesis of the word. However, there is a new phrase used "its authority in any area", that is the Government authority. Who is the authority of the Government? It means any person who is a Government servant is an authority of the Government. It is a proposition which cannot be denied by the Home Minister. A police official, supply officer or a rationing officer is the authority of the Government. The words used are "tend to incite", which is a matter of opinion. It is reading somebody else's mind. A man is going to be penalised for what in the opinion of somebody else is an act of obstruction in the way of a police official or rationing officer. That is a crime for which a person may be convicted and will have to go to prison for six months as also to pay a fine. He becomes a criminal for all life. If that is so I say that this is a lawless law to which this Parliament should not be a party.

Mr. Chairman: Is it not desirable for the hon. Member, by coming into the Select Committee, to fight for the removal of such things and also educate the other hon. Members of the Select Committee on these matters and get their influence also to see that these things are done?

Shri Goenka: Madam, I am really grateful to you for the advice which you have so kindly given, but the fact is that when I am opposed to the very principle of the Bill how can I accept it? I say that this Bill should not be on the statute book, that the Government should be guided by their own Inquiry Committee which they appointed in 1947, that they should be guided by their own promises that the Press and the citizen would be governed by the same law.

Mr. Chairman: I have heard the hon. Member say that he is opposed to the very principle and that therefore he would not be able to co-operate in the Select Committee. But by speaking now in detail on the clauses is not the hon. Member co-operating?

Shri Goenka: Madam, if it is considered to be co-operation, to that limited extent my co-operation is there.

Pandit Maitra (West Bengal): When he has not accepted the membership of the Select Committee, I respectfully submit that that question would not arise. Because he has declined to accept membership of the Select Committee, therefore it is open to him, in my opinion, to draw the attention of the members of the Select Committee who are going there, as also of the Members who are here, to take note of the very fundamental objection that he is taking. *(Interruption)*. Then there will be one speaker in the House and the other speakers will be shut up. Is that your contention?

Shri Goenka: When I speak in this House, you will appreciate that I am not only speaking to the Members of this House but I am speaking to the community which we are supposed to serve, namely the people outside.

Shri Kamath: The world Press.

Shri Goenka: As I have submitted, it is not a restraint upon the Press but it is a restraint upon the rights of the citizens. Therefore, I am submitting that after all, just as the Government have got to go to the people who are their ultimate masters, we appeal to the people who are our ultimate masters and place our case before them; and this is a forum through which we are also trying to inform our ultimate masters. Therefore, madam, you will excuse me if I try to speak here not only for the benefit of the members of the Select Committee but also for our ultimate masters.

I will now come to clause 3(ii). This sub-clause not only reproduces clause (a) of section 4(1) of the 1931 Act, but also introduces the word "sabotage" which is a term of wide meaning which would cover anything. Clause (a) of section 4(1) of the present Act makes reference to matters which are, "cognizable offence involving violence". Under the present law the matter need not be a cognizable offence at all. Now I will further show to you that the procedure adopted in all these cases is the procedure which is adopted in the case of summons. Your own experience will tell you what summons

cases are where no evidence is practically recorded. And why is the word "cognizable" taken away from here? In future any offence will be objectionable; it need not necessarily be a cognizable offence—that is commonsense. I am not a lawyer but I understand that there is a difference between a cognizable offence and a non-cognizable offence, a cognizable offence being certainly harsher than a non-cognizable offence. But that word "cognizable" has been removed from here.

Then I come to sub-clause (iii) of the Bill. It says:

"incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order or with the administration of laws regulating the supply and distribution of food or other essential commodities or services;"

This is a clause which takes my breath away, I must admit. This sub-clause, as you will see, is the same as clause (f) of section 4(1) of the 1931 Act, but in addition it defines as objectionable matter any encouragement to interfere "with the administration of laws regulating the supply and distribution of food or other essential commodities or services". Even honest criticism of the defects of the multifarious and complicated laws and orders regarding essential commodities and services and such other matters may be deemed to be objectionable. Here I would like to draw your attention to the assurances given by the hon. Prime Minister. He said, "If matters like law and order are ever brought in the Press Bill then it would be time for you to object". That is, if matters of the nature described in clause 3(iii) of the Bill are ever brought before Parliament, then you can criticise it and that will be the time for us to go into that matter. This only reminds me of the report of Mr. Gorwala submitted to the Planning Commission. Therein he points out very many defects in regard to the administration of Government, in regard to the administration of supply of goods. And his report has an introductory note by no less a person than Mr. N. R. Pillai, the Secretary of the Commission. Mr. Gorwala makes grave charges in regard to the administration in this country. If it was a Ram Raj, even in Ram Raj...

Shri Kamath: Who said it is? This is not Ram Raj.

Shri Goenka: Even in Ram Raj a citizen was allowed to criticise even the monarch. Sita's conduct was

criticised openly and it was not taken objection to. In this Government all these facts are given by an independent body like the Planning Commission. I would like to refer to one or two paragraphs from that report. Mr. Gorwalla says :

"Secondly, the political movement, it is said, contributed to the moral decline. The standard of conduct imposed by the leader of the political movement was so high that the bulk of his followers could not lift themselves up to it, with the result that their acceptance of his doctrine was superficial. Moved by his personality they became fired with emotion and followed his lead. Emotion, however, is transitory, and, when it dies down, leaves its subject, morally, exactly where he was before he felt it. It does not impose upon him that deep discipline which, permeating the mind, burns away all dross. Hence, with the success of the movement, in many of its prominent followers there remained nothing but the original man ; and the original man, more especially when enthroned in power and endowed with moral phrases, in a number of instances, acted according to his nature rather than according to the tenets he had ostensibly accepted when emotionally inspired by his great master."

An Hon. Member: What is your point ?

Shri Goenka: My point is that the machinery though sound in essentials is at present run down.

Then he talks of integrity :

"In this matter, example is infinitely better than precept and the example of those in high places is apt to be particularly effective for, as the Sanskrit proverb says "As the King, so the people". A very special obligation rests therefore on Ministers, Legislators and Administrators of the higher ranks."

Then :

"It is not enough to act with integrity. Justice, it has been said, must not only be done but must be seen to be done. So too moral standards must not only be observed but must be seen to be observed. In other words, they must be so observed as to eliminate the possibility of suspicion and secure the general recognition of the observers. Accordingly, for public servants—Ministers and Legislators just as much as Administrators—there is not only a standard of conduct to be main-

tained but a code of behaviour to be followed. The one evokes judgement, the other comment. Judgment is slow and not every one's task. Comment is swift and almost every one's business."

11 A.M.

Only one portion I shall read and I shall stop the quotations. This portion is pregnant with meaning and runs as follows :

"The Commerce Ministry had gained an unenviable notoriety in respect of the amenability of some of its principal officials to the wishes of big business. In addition, there was alleged to be considerable corruption in the grant of licences and permits. A very undesirable feature was the leakage of information about changes which enabled those who got the information before others to benefit."

Shri B. Das (Orissa): I am glad Shri Gorwalla has a supporter in you.

The Minister of State for Transport and Railways (Shri Santhanam): He should support all givers of information to the Press. It is natural.

Shri Goenka: Shri Santhanam has been a celebrated editor himself and when he changes the role he forgets what he fought for while he was in the other profession.

Shri Santhanam: He has no justification whatsoever for saying that I have changed that role.

Shri Goenka: I am glad to hear that and I am very glad that he has changed no roles.

Shri Sidhva: He is speaking from experience.

Shri Deshbandhu Gupta: May I know whether the hon. Minister of State had not described this very Bill in 1947 as a black Bill ?

Shri Santhanam: This Bill was not before the House then. That was the preventive Detention Bill.

Shri Deshbandhu Gupta: True, but the purport and substance are the same.

Shri Rajagopalachari: There will be no end to the discussion and no end of confusion of substance. What is the good of these side issues? Let him go on. He was referring to Shri Gorwalla's report in order to prove that all men were bad. What does it prove, that we should make no attempts to govern?

Shri Goenka: I was certainly not suggesting...

Shri Deshbandhu Gupta: If the Minister says he has not changed his role, does that mean that he is still a journalist and a man of the *Hindustan Times* as he was before?

Mr. Chairman: What the hon. Minister has said is obvious. It needs no explanation.

Shri Goenka: Let me submit that neither Mr. Gorwalia, nor I, nor anybody in his senses can suggest that everybody is bad. In the very nature of things, that is impossible. What I was suggesting was that these things do exist in the administration and they have been taken note of by important persons and even the Planning Commission.

If you prevent me from discussing or talking about the subject, criticising it, tearing it to pieces, then you take away the very liberty of the people. I am not talking about the liberty of the Press. I say that the liberty of the Press is nothing but the liberty of the people. Some wrongs are happening. They relate to essential commodities. Now, if I take that matter into hand, criticise it, publish a letter sent by a correspondent, then is it not interference as described in the Bill? It is interference according to competent people. The courts are there to interpret the wording here. When you go before a court, you cannot cite the discussions here or what the Home Minister has said. The court has to go by the letter of the law and not beyond it. Again, what is the necessity or urgency? Has a crisis arisen? You yourself say that you will not use it in any matter unless some crisis arises. There is a reference to the Armed Forces.

Shri Sidhva: The railwaymen had given an ultimatum for a strike. They are taking precautions against that.

Shri Goenka: I see. You take that role. Now my hon. friend Shri Sidhva is more loyal than the king himself.

Shri Rajagopalachari: This is a Republic and every citizen is more loyal than the king.

Shri Goenka: The sub-clauses in clause 3 are copied from Section 4 of the 1931 Act. They have been changed in a smaller or larger degree to the prejudice of the Press. Sub-clause (viii) is a new thing. No responsible person will fail to take objection to matters which are grossly indecent, scurrilous or obscene. But can you tell me what is 'scurrilous'?

Shri Kamath: Refer to the dictionary.

Shri Goenka: Dictionary says 'scandalous'. But in the judicial dictionary there is no word 'scurrilous'. Then take 'obscene'. Have you not got powers under the Indian Penal Code to prosecute persons for obscenity, *suo motu* if you like? There are Sections 292 and 294. I have myself got personal experience of it.

Shri Sidhva: Oh!

Shri Goenka: That is another matter. Cannot the Home Minister take anyone to court for obscenity under those sections which are already on the statute book? When the Constitution (First Amendment) Bill was being discussed, all the Members rose from one end to the other and said that there was so much of obscene matter being published. Now, I want to ask Government: You have got the power to prosecute persons for obscenity—how many persons have you prosecuted so far? Very few indeed, although your predecessors resorted to these sections and convicted people for political reasons.

Since my hon. friend laughed when I said that I have myself got personal experience, let me tell him that for publishing an advertisement in my paper for which I was not responsible singly—for the advertisement was published in practically all the papers in India—I was prosecuted for obscenity. I was prosecuted, not because from any standard it was obscene but because they could not prosecute me under any other Defence of India Rules. So they thought they could prosecute me on this account and place me before the court, which they did. The court fined me, and when I wanted them to put a penalty upon me to enable me to appeal against it, they said 'No'.

Shri Sidhva: That was the British Government.

Shri Goenka: I am telling you all Governments are alike if you give them power. It is a question of giving them power. After all, everybody is not Chakravarti Rajagopalachari; everybody is not Pandit Jawaharlal Nehru. After all, if you give the power, let me ask against whom? Against the Press in the country. And what is the function of the Press? To criticise anything wrong that may happen. The Press becomes an enemy of many people whom it exposes, about whom it tells the truth. That man has a perpetual grievance, and if he gets an opportunity he will never let it go.

Shri Sidhva: But the Press has also got big men as friends.

Shri Goenka: Since my time is coming to a close, I will not go into the clauses in detail. But let me refer to clause 4, in which security is involved. What is this clause? What is this about which so much was made by the hon. the Home Minister? He made so much about security, precensorship and repeal of the Acts.

So far as precensorship is concerned, immediately the Constitution came into force on the 26th January 1950 precensorship had gone and even the amending Bill had not given power to impose precensorship on any newspaper. After all, the power given is to impose 'reasonable restraint'. If precensorship is imposed as a reasonable restraint, then I am very sorry that it will not be a reasonable restraint but an unreasonable restraint and any court will uphold this. Besides, there is the Supreme Court judgment which definitely says that precensorship is bad and cannot be permitted under the Constitution.

Then, as regards the repeal of other measures, so far as the measures in regard to the States are concerned, they are of no value at all. They are dead letters. Whether you repeal them or do not repeal them, it makes no difference. The only measure which is being repealed is the Press (Emergency Powers) Act. That Act, as will be seen, is being replaced in a worse form by the present Bill. Therefore, it is not a case of repeal at all. The title of this Bill is "A Bill to provide against the printing and publication of incitements to crime and other objectionable matter". Is it a repealing measure? The repeal is only incidental. The Bill is mainly meant to provide against certain objectionable matters which are defined in clause 3. Therefore, repeal—of which so much was made—is only incidental, because you cannot have that law and this law, both together. So this measure is more rigorous than the previous ones.

The Press (Emergency Powers) Act in Section 4 contained some explanations which reduced the rigours of that section. All those have been coolly omitted.

Shri Rajagopalachari: They have all been argued.

Shri Goenka: Then I will not take up the time of the House in arguing that.

Now let me come to the question of demand of security. Under the old law it was the publisher who had to go to the court, if he chose to. Now he will be forced to go to the court.

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Instead of going to a full bench of a High Court, he will now be forced to go before a judicial tribunal and then he will have to appeal against it, the proceedings of which will be perfunctory. The amount of the security is also unlimited—they can demand any amount they like and the amount will be suggested by the complainant.

Under the new procedure small newspapers will have to spend considerable amounts in fighting their cases. Previously if they paid any security it was their property. Here the money will be the property of the lawyers. So instead of owning my own property which will only be forfeited if I went wrong, I will be spending a lot on lawyers to get justice. Imagine the lot of hundreds of thousands of newspapers in the districts. If they are produced before the courts, before they can get justice, they will have to spend large sums of money, which they can hardly afford to do. In one case you pay the security and if you feel that that security is unreasonably demanded, you go before a full bench of the High Court and get redress. Now that full bench is all gone.

Several of my hon. friends said: "What is there? We are only demanding security". Probably they have forgotten clauses 25 and 26 of this Bill which empower the imprisonment and fining of the printer. Apart from all this, clause 32 says that "Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act." Which means that the provisions of the Indian Penal Code also will be put into operation.

I would now like to draw the attention of the House to clause 6(b) which reads:

"notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make, or be allowed to make, a fresh declaration before a magistrate..."

Now the security is demanded from a Press; that Press has ceased to function. That Press will have the perpetual liability upon it to pay the security. The press cannot function and will be completely immobilised. You cannot use the Press for any other purpose. Assuming the Press is sold. The demand for security will follow the Press and not the person. If I buy the Press, I will have to pay the security to the Government. There is no provision

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for the return of the security either, even if the person behaves properly for fifty years. The Press shall not be used for the printing or publication of any other matter. Is it the intention of Government to see that the property is left to lie unused for all time to come? If it is sold it will fetch only a depreciated value, because nobody will buy it.

Shri Kamath: It may be used for Government work.

Shri Goenka: Then clause 9(1) (b) reads :

“notwithstanding anything contained in the Press Registration Act, no person shall make, or be allowed to make a fresh declaration before a magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper...”

All newspapers in substance are the same. Now I give an example. Supposing a publisher from Madras who has failed to deposit security comes to Delhi and without disclosing that undertakes publication of a paper here. The Press here will be forfeited. There is no safeguard provided against this anywhere in this Bill. Now, what is the justification, I ask in all seriousness, for keeping a man as a perpetual criminal, because he has once committed an offence? Is there anything in this Bill which will remove the stigma from him?

Clause 10 simply takes my breath away—particularly that portion which empowers “other law officer of the State” to declare publications forfeited. What is the “law officer” of the State? All of us know that. We know what happens in the districts. Sometimes these ‘law officers’ do not understand the implications of these Acts and they can forfeit anything that comes in their way. In spite of all the high sounding words like the “certificate of the Advocate-General... or of the Attorney-General” the persons who will decide these cases will be the prosecuting inspectors in the various districts. Is the property of a citizen, his Press, etc., to be forfeited on the certificate of a prosecuting inspector?

Shri Kamath: Public Prosecutor.

Shri Goenka: In my part of the country there are Assistant Public Prosecutors. It may be a big sounding name, but the fact is that they are law officers of the Government. There is no question about it. Why is it that

the previous salutary provision that the magistrate must give his permission before anything is forfeited is now removed from the statute?

Under clause 11 of the Bill any officer authorised by the State Government can go and inspect and forfeit anything he likes. The provision is that they will be sent “to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct”. Property can be forfeited and disposed of in any manner they like. And no appeal is provided—although as the Home Minister has told us it is his intention to provide for an appeal under clauses 11 and 12. But the fact remains that this is the provision made here whereas under the Posts and Telegraphs Act and various other Acts you can only forfeit things which contain matter that is either obscene or seditious, and that too only after getting the permission of the magistrate, and then the aggrieved party had to be informed immediately, and the aggrieved party had the right to go before the full bench of the High Court to get justice. All those things have been removed now. It is not necessary that it should contain seditious matter. It is not necessary that it should contain obscene matter. It is enough if it contains anything which is considered to be ‘objectionable’ under clause 3. And who is to decide whether the matter is ‘objectionable’ or not? After all, if you go through clause 3 of the Bill it is so cumbersome that even some of us who deal with these things day in and day out are not able to understand what will be considered ‘objectionable’ and what will not be considered ‘objectionable’. The Home Minister takes one view, the other people take another view, and my friend Pandit Thakur Das Bhargava who spoke yesterday took a totally different view of the matter. Therefore, it will be for the courts to decide. But before the courts decide, the law officer will decide what is to be taken hold of and disposed of and the man’s property is taken away without even informing him, which is provided for in the Posts and Telegraphs Act and the like.

Shri Kamath: Select Committee will do the needful.

Shri Goenka: What is clause 12? In regard to the papers published in this country they can be forfeited, again, by any officer authorised in this behalf. The Postmaster-General or any officer authorised by him can stop any paper from going out. This is pre-censorship in effect introduced under clause 12.

because if you can stop a publication from being distributed what also is it except pre-censorship or something worse than pre-censorship? For under pre-censorship you could only stop certain types of things going out and being disseminated, but if you take away the whole paper without any enquiry whatsoever you give the power to the postmaster and even to the post-pon to stop the thing from being delivered. And on what? This clause says:

" (1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act, and no unauthorised newspaper or unauthorised news-sheet, shall be transmitted by post.

(2) Any officer in charge of a post office or authorised in this behalf by the Postmaster-General may detain in course of transmission by post any article, other than a letter which he suspects to contain any such document as is mentioned in sub-section (1), and shall deliver all such articles to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct."

Any paper can be taken hold of and disposed of in any manner they like. Is it not worse than pre-censorship? In pre-censorship, as I pointed out, only certain types of things could be censored.

Shri Diwakar: It says "which has been forfeited".

Shri Goenka: When? Here the law officer declares it. Is it not worse than pre-censorship? Nothing can justify this clause.

Clause 13 is a very very damaging clause so far as I can see. Any police officer not below the rank of a sub-inspector can enter the premises of any newspaper office and can get hold of any document. It is not a newspaper, mind you. He can get hold of any document which he thinks is a news-sheet. There are so many secret matters, so much of confidential information, so many matters not for publication but only for the information of the editors that are pouring into a newspaper office day in and day out. They are of a very secret character. People give us information because they know that whatever may happen a newspaper man will die but will not disclose the source of information. Here you give power to a sub-inspector to search the place and get hold of any document and take it away

simply if he thinks that it is a news-sheet. If in the opinion of a sub-inspector a particular document—not a newspaper but a document—is a news-sheet he takes it away and makes such use of it as he thinks. Now, the whole basis of newspaper production comes to an end if this is permitted, because nobody will trust a newspaper with any secret information—not of course secret from the Official Secrets Act point of view. Many other matters which come before us will become public property and the police officer can take them away as he likes.

Mr. Chairman: Is the hon. Member closing? How long will he take?

Shri Goenka: Madam, I will try to finish as soon as possible.

There is no penalty provided against a wrong-doer. The provision has been made that he is immune from all responsibility. Suppose somebody wrongly harasses me, suppose a sub-inspector chooses to come and harass me. What is my remedy? None. He can harass any newspaper as he likes. A newspaper tries to see that the Government do not misbehave, that a police officer does not misbehave, that the officials do not misbehave. That newspaper is put at the mercy of the sub-inspector of police. That is what the Bill provides. And the man is completely immune from all responsibility whatsoever under the provisions of this Bill.

Apart from that there is the discrimination. My friend Mr. Vyas who supported the Bill made a very very fine statement in the end. He said that with regard to those papers that support the Government even if they go wrong Government usually wink at them but with regard to those that do not agree with the policy of the Government they are harassed. And he said he hoped that that would not be done. As I have just now pointed out, once you put it on the statute book you cannot prevent harassment. Would you like this fine institution of yours, the press, to be left at the mercy of the sub-inspectors of police, and with impunity? This is what the Bill provides.

So far as the jury is concerned, it is a very funny proposition. I will not refer to what the Home Minister said at the time of discussing the Constitution (First Amendment) Bill. But perhaps it would be better if I refer to this. He said, "Let the Press lords decide who is guilty and who is not guilty. We are not concerned with it. We will accept your decision as final" and so on. With regard to this jury system, personally I am opposed to it

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as I will presently show. But then if the system was there, what is the system? When the judge does not agree you go before a court again. The Home Minister said that he would accept the verdict of the jury as final. He would like the journalists and the Press lords to try their own people.

Shri Sidhva: That clause can be amended.

Shri Goenka: I say it is a very very bad provision because it will help them to divide and rule. Suppose there are two papers and there is competition between one paper and another. One sits in judgment on the other. You know what human nature is. After all men are the same everywhere.

An Hon. Member: Have common jurors.

Shri Goenka: The jury system should go and go once for all.

Shri Sidhva: Therefore, there should not be special newspaper jurors.

Shri Goenka: Quite right.

Mr. Chairman: He has very little time at his disposal. Practically his time is up.

Shri Sidhva: I have to speak after him. I have been promised by the Deputy-Speaker.

Shri Goenka: A few more points and I have done.

My hon. friend, Mr. Sidhva is a member of the Select Committee and we are sure that his great contribution should be made to the Select Committee, and therefore, let us not worry about Mr. Sidhva for the time being.

Shri Sidhva: We invite you to come on the Select Committee but if you do not want to come, what is to be done?

Shri Goenka: This Bill as I have tried to say is wholly unnecessary and unworkable. I would have gone into various other matters, but now I see that the House has become impatient. (Hon. Members: No, no). If you say no, then I am glad.

Shri Sidhva: There are many others to speak.

Shri Goenka: All these facts I have placed before the House. I have also placed all the assurances which were given to this House by the hon. Prime Minister and the hon. Home Minister. None of those assurances has been kept. I now submit to them for their consideration that if nobody is affected by this Bill, why should this Bill be

forced upon the Press? I have tried to show that there is no case at all for such a measure being brought before the House today. The Press has not asked for it. The hon. Home Minister cannot cite the name of a single newspaper which wanted it and even if he cites the name of a single newspaper, it will be more as an exception than the rule. Can he cite the name of any importance or influence, or of any organisation of newspapers or of working journalists which has supported the measure? Secondly, there has been nothing in the situation which can be said to justify such a controversial measure being rushed through the closing days of what is really the last session of this Parliament. The hon. Prime Minister himself made the promise that there is no chance, there is no intention of bringing any Bill in this House. Would the Home Minister like either this Parliament or himself to be remembered by posterity as having restricted the liberty of the Press under the guise of repealing obnoxious and out-of-date Press laws?

There is not a shred of evidence to indicate that there is any urgency about this legislation. Why then force it on a House which has far more important work to get through before the closing of the session. I appeal to the Home Minister, now that he has seen the strength and volume of opinion ranged against the Bill both in this House and in the country, to realise the wisdom of withdrawing all but its repealing clauses. The essence of democracy lies in recognising the intensity and widespread character of the opposition to a measure. To do otherwise, to force a measure in the teeth of such opposition is not democracy but dictatorship. I beg of the Home Minister to accept the motion for circulation and thus soothe the apprehensions of all sections of the Press. Let the new Parliament, sitting in a quieter atmosphere, as the Prime Minister himself suggested, reflect on all the implications of this measure; and if it is convinced on the evidence and expression of public opinion before it, that a special law is necessary to deal with the Press, let that Parliament enact it in the light of the situation prevailing at that time. But for the present, I appeal once more to the Home Minister not to proceed with this ill-conceived, underserved and reactionary measure. I again appeal to the hon. Home Minister to treat the Press as they have always done and not to treat them as somebody who is opposed to them. We have always shown that we have put the interest of the country first and we

ourselves say that if any paper should take to this scurrilous writing or indulge in any obscenity or anything of that nature, let us get together; let us put our heads together and find out how we can penalise it and see that it goes out of publication but not try to harm the innocent people. After all our jurisprudence demands that nobody should be penalised unless an evidence is conclusively established against him. Here is the case where the mental idea of a person concerned is supposed to be an objectionable matter. Can anybody explain what is 'tend'? Therefore, I submit again for the consideration of the hon. Home Minister not to forget the jurisprudence of which he is one of the greatest supporters. As I said he is one of the greatest advocates of our times and if advocacy can win a case, I am sure he will win a bad case but I say let that advocacy be used as it was used by him before 1920 in getting people out of the clutches of law and let this Bill be used for this purpose. I again appeal to him to drop this measure and respect the wishes of the Press.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Shri Sidhva rose—

Mr. Chairman: Now I have to put the question. I have seen that six days including today have been taken for the debate. Now it is only for me...

Shri Sidhva: The number of speakers has been small and the hon. Member has taken a full day.

Mr. Chairman: So the same thing will happen again.

The question is:

"That the question be now put."

The motion was adopted.

Shri Sarangdhar Das: On a point of explanation, I protest and I walk out of this House.

Shri B. Das: I take it that the hon. Home Minister will speak for half an hour.

Shri Rajagopalachari: It really gave me great pleasure to hear the last speaker. I was wondering whether he would lose his temper in the course of the debate, but on the contrary, I was very glad to see that he argued as I wished he should argue.

[**MR. DEPUTY-SPEAKER in the Chair.**]

He is an old friend of mine, though I have much misunderstood him and

he has much misunderstood me on many an occasion. I was really glad that he preserved his temper and did not do injustice to me, beyond what matters I shall deal with, matters of explanation and interpretation. But, having said this, I must proceed to deal with another Member.

At an early stage of the debate, an hon. Member was pleased, in his dislike of me, to find a bad name to give me and he called me Chanakya.

Shri Kamath: It is not a bad name at all; definitely not a bad one.

Shri Rajagopalachari: Now, Chanakya—some call him Vishnu Gupta, historians call him Kautilya—is a great name...

Shri Kamath: An honoured name.

Shri Rajagopalachari: ... in Indian political and administrative history.

Shri Kamath: In the history of the world.

Shri Rajagopalachari: I do not think I deserve the great honour of the name of that illustrious Chancellor of Chandra Gupta Maurya.

Shri Kamath: That is your modesty.

Shri Rajagopalachari: The intention of the hon. Member was not to honour me. It was only my good luck that a good name occurred to him for which I thank the Goddess of accidents.

Reference was made by the hon. Member to a case wherein a non-Madrasi agitator was prosecuted for sedition in a district of Madras when I was Premier 15 years ago. As soon as the case was concluded and sentence pronounced, I issued an order of release by telegram. I need not go further into the case or the merits of the action taken against one who had later a very chequered career, part of which was spent with the Communist Party. But, I may say he is still a good friend of mine and he would not approve at all of Shri Mathura Prasad Mishra's remarks. My administration of Madras when I was Premier there fifteen years ago, apparently, does not please or satisfy Shri Mathura Prasad Mishra. But, others have dealt with it and appraised it, who were at that time old enough and better qualified than my young friend from Bihar to judge my work and my aims. Anyway, the people of that province do not look upon me as having been a very bad Premier or poor administrator.

Shri Mathura Prasad Mishra dislikes me so much that he could not believe that I was the author of its provisions

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when people told him that a good Press Bill had been introduced. But, he has since examined it and found it bad enough for me to be the author. He further said that the Prime Minister did not know about it at all until I whispered in his ear that there was this Bill waiting to be passed. If the hon. Member will ask others and learn the procedure of Government, he will understand that Bills are brought to Parliament only after Cabinet approval. Also he may read again the President's address at the opening of this session and see that the Press Bill was referred to in it. As for the Prime Minister's assurances and Mr. Mathura Prasad's understanding of them, he had opportunities at another place of putting the question specifically to the Prime Minister and I think he obtained adequate answers from him clearing his doubts. Lastly, he will forgive me advising him to deal with the merits of any problem or issue before him and not to yield to the temptations of personal prejudice. I shall leave Shri Mathura Prasad Mishra at that. I am sorry for having had to refer to this. Older parliamentarians will forgive me for dealing with Shri Mathura Prasad at this length. It would not have been respectful on my part to have ignored him altogether.

Before I go into the subject matter of this most interesting debate and reply to the points made, I must congratulate Shri Deshbandhu Gupta—I will not call him by his new name—on the most able presentation of his case. The orderly and skilful presentation as well as the style and method of exposition displayed the highest parliamentary ability. I cannot, of course, say the same thing of the substance of it, being sincerely convinced of the need for this or some other law to deal with the subject. I cannot help my conviction that it is necessary to have a revised and reasonable law, setting out as clearly as possible certain minimum restraints which a free Press should cheerfully accept and which are accepted tacitly or expressly in all civilised and free countries that do not want disorder and disturbance. A democratic Government depends on the support of the masses, their continued intelligent support, not on any physical strength with which the Government may quell overt disorders or attempts at violence. When people ask us to depend on that strength and not resort to preventive measures, I am left wholly unconvinced. We cannot afford to let peoples minds be poisoned. I want the very earnest attention of the House to this point which may look academical.

but which is extremely important in the practical affairs of life. The basic qualities of our people's character are as good as of any other people in the world. I shall not claim more though I may. But, alas, we cannot say that they cannot be easily misled or hypnotised by repeated phrases. That is the result of the very goodness of which I am proud. Even if the majority of the people are firm in their thought and conduct, and unshakable by suggestion and incitement, there are, in a population of 400 millions who form this Republic which has, let us remember, discarded traditional respect for ruling dynasties or of ruling classes, and now depends on the commonsense of its people in general for order and good Government, there are in this vast multitude, quite enough numbers of men and women in every area who can, if misled, make wasteful disturbance, discord and violent trouble which can hold up all co-operative peaceful effort to make constructive progress.

Shri Kamath: Has not the Home Minister helped the people to discard respect for traditional rulers?

Shri Rajagopalachari: I do not complain. I am sorry; I always suffer from this defect; I use less words than necessary. What I meant was that we cannot command now any other force for preserving order. We cannot command the old traditions which prevailed before and which could keep order without showing itself; we cannot command physical force now. We have no focus of authority for preserving order. I was laying stress on the need for keeping the general temper of the people and their commonsense intact without being vitiated or allowed to deteriorate.

We require public order and peace so that we may make progress and take equal rank with other great self-governing nations within a reasonably brief period. I have no other object but to preserve the necessary condition for peaceful progress in desiring to leave a law behind me that should comprise the essential "Dont's" for printed stuff. It was called a parting gift or a parting kick in sneer and criticism. But, let me say, I do not mind these criticisms or these sneers. It does not matter. What I want to do, I know. It is to leave a law that should comprise the essential, minimum "Dont's" for printed stuff. If it is there, with courts to guard the canons of just and fair interpretation not only of the law, but of whatever is printed or complained about, a code of conduct for all sections of the Press of our

country will grow out of it, I am certain.

What with the written Constitution and the judgments of the various High Court Judges and of the Supreme Court and the interpretations of lawyers who can advise, public men, writers and others, the present condition of law in this respect is, in my opinion, I respectfully say, truly chaotic. There are laws which have been declared, some of them *ultra vires*, some of them partly *ultra vires* and partly *intra vires*. There are laws which, the Press takes for granted, are revoked and rendered null and void, but which lawyers can prove are still valid to a greater or lesser extent, and there are people ready to argue any point up to the limit of the judges' forbearance, which again varies with each tribunal and each judge. I do not say that this authority which courts exercise is undesirable or that variation of interpretation is unsound or can ever be got rid of completely.

But the Press law is more chaotic than most other departments of law, as it stands now, that is to say, before this Bill is adopted. The subject is of fundamental importance in democracy, as I was trying to explain. On the character of the daily issues from the Presses in India—I believe every morning two million copies of various papers issue out and are read with avidity perhaps each copy by about five or six men and women—on the character of these daily suggestions contained in these papers depend the thoughts and, therefore, the actions and the behaviour of the people. So I feel convinced that a reasonable Press ethic with sanction behind it is absolutely necessary. The present chaotic condition is not good for anybody. I, therefore, do not think the substance of Shri Deshbandhu Gupta's arguments was sound. But the manner of it was excellent and the great union of editors cannot say he has not discharged his duty by them as their President. But the arguments advanced by him with apparent cogency have been most ably and effectively answered in, among others, two most remarkable speeches delivered in the course of the debate. I hope I shall not be considered impertinent if I express my personal appreciation of the fine contributions made by Shri Braja Kishore Prasad Sinha and Khwaja Inait Ullah in this debate. The former most effectively pricked the bubble of the oft-repeated argument that in the civilised countries of the West there are no such laws as we propose to have. He effectively quoted from no less an authority than Dicey and showed how ill-informed people are of the actual laws of England in this

respect when they put forward this argument. England has great capacity for silence and for restraint. England has capacity for orderly progress; and they do not talk about their laws and so we do not even know what their laws are. Also England's old laws and established laws are written in English and not in legal jargon, and they are all concise. But we go into A to B and right on to Z, even to provide that a man should not make a nuisance of himself anywhere; and we think our laws are prodigious and we think in England there are no restraints. A word is enough for the wise. A brief explanation in their statutes to the effect that restraints should be observed, is enough for them. There are quite a few laws in England as was quoted by Mr. Braja Kishore Prasad Sinha from his book. He has quoted enough and explained enough to show that not only the substance of our proposed law, but almost every phrase and word in which the restrictions are expressed in it are founded on the British law. I have already acquainted the House on another occasion, that is, when the Constitution amendments were debated, with the Press Law of Sweden which is not an uncivilised or authoritarian country.

Khwaja Inait Ullah in his fine Hindustani speech proved to the hilt the fallacious character of every one of the objections so vociferously raised against the provisions of the Bill. He argued with such sincerity of conviction and clarity of expression and unimpeachable commonsense that I turned to my friends representing the Press, to see how they received his points. I could see that they tried to cover their defeat by smiles and a good-humoured expression of face. So far good. I do not complain. Members of Parliament are entrusted with the responsibility of making laws for the Republic on considerations of public welfare and public security. No professional or double allegiance should be allowed to cloud our judgment or affect our attitude. We may represent facts on behalf of any particular interest, but our judgment and our vote must be independent. We may be editors, presidents or secretaries of trade unions or editors' conferences or of journalists' associations, or members of chambers of commerce, etc., but the allegiance of our conscience must be to Parliament and we are Members of Parliament above everything else. That should be our biggest if not our sole loyalty.

Shri Kamath: Not even the party.

Shri Rajagopalachari: Yes, not even the party, I fully admit that, as in practice Members of this Parliament have shown in the daily time-table of the House.

Well, it is made out as an objection to this Bill that to enact a separate law for dealing with the abuse of the freedom of expression by those responsible for the publication of newspapers, a law different from the ordinary penal law dealing with individual offenders, would be discrimination. This is a most specious argument. Non-discrimination is often pleaded for in order to maintain one's superior position and power. The argument leads just to the opposite of what the law of non-discrimination is conceived for. The first point to be remembered in this connection is that the weapon of the Press is very different from the instruments available to ordinary individuals. The spread of the harm is wider and the effect is far greater and most rapid. Expression through the newspapers is as different from individual freedom of expression as a rifle is different from a stick or as a motor-car is different from bullock-cart. The laws relating to ordinary conveyances are not enough to deal with laws relating to railway trains and motor-cars and aeroplanes. They would not be suitable and they would not be adequate. If bicycles and motor-cars have come to stay, we must provide for their registration and for the regulation of their working and not be content with the doctrinaire attitude and simple general rules related to all conveyances without discrimination of whether it crawls at three miles per hour or flies at 40 miles an hour.

An Hon. Member: Four hundred miles an hour.

Shri Rajagopalachari: I meant a motor-car and not an aeroplane. If it is an aeroplane, of course it will be at about 200 miles per hour.

Again, there is the distinction between the elements that go to make up an offence on the part of an individual and the circumstances under which corporations and persons responsible for a daily newspaper commit a breach and the nature of such offences. A certain amount of vicarious responsibility has to be undertaken by those responsible machine-made expressions of views, who have to maintain various degrees of anonymity on behalf of their contributors and writers which is considered almost as sacred as the Code of Manu or the Vedas or the Upanishads. This distinction is not for the first time drawn

by me, but it is a well accepted doctrine in modern legislation. The ordinary law is inadequate and in-applicable to such cases.

It is true that prosecutions for obscenity or libel can be undertaken in the ordinary way, but it is well-known that they are most ineffective and they will only serve to heighten and expand the injury already committed. In fact, such newspapers as thrive on scurrility desire the advertisement that is secured by individual prosecution and protracted trial in court. It is necessary that although individuals are also concerned, the public interest should be safeguarded by the State proceeding against the newspaper or journal as such, apart from the prosecution of the man who with deliberate intent, was guilty of obscenity or scurrility.

It is said that we might have laws for emergencies, but we need not put a Bill of this kind on the statute book as a permanent measure. We are living in fast-moving times. No law placed on the statute book need be considered as permanent. We have to amend and change the laws from time to time, even though we do not call them emergency laws. There is such a thing as emergency but there is also such a thing as the peculiar condition of our times, and of our country which call for special care. We have strongest feelings of caste and religious classification. We have illiteracy at a high percentage. We are generally poor and liable to all the temptations of poverty alongside of an exotic culture demanding high scale of expenditure. We have on top of it adult suffrage and a Republican Government where no particular man has high authority or power. (*Shri Kamath:* Question). Our country is not like other countries either in the east or in the west. We belong neither to the West nor to the East. Our laws must be of our own pattern.

It is said that there is a general impression abroad in the world that the Government of India is desiring to put restrictions on the Press, that our credit abroad is injured by this impression and therefore that we should refrain from passing this Bill. I respectfully submit that the agitation of those responsible for the Press of India was the cause of such wrong impressions as prevailed in respect of the attitude of the Government of India towards the Press. Every one is liable to fall into this trap and I do not say it only about the Press. A particular interest that takes up an

agitation is tempted to exaggerate and overdo the agitation and when this happens to be the great channel for information abroad, the agitation misleads the rest of the world who judge things on insufficient data and without time for enquiry. If the landholders of India started an agitation they would have to depend much on the Press for carrying on that agitation but if the Press itself takes up an agitation, the weapon is its own and that is why the injury is greater. I know that as a result of the propaganda done by the newspaper unions of India wrong impression was created, but I think that when people abroad saw the actual amendments made in the Constitution over which the agitation had been started the wrong impression was effectively removed and no one is now deceived to think that the Press in India is less free than any other Press in the world. Above all no amount of propaganda can alter facts. Fifty years ago I was taught the lesson not to depend on propaganda or waste money on propaganda: facts will be the best propaganda. (Shri Kamath: How many years ago?) My political history dates beyond the times of hon. Members here.

The world abroad sees what things are written, what criticisms are made and are freely permitted in India. They can judge and see that the Press in India is freer than ever it was before and freer than most Presses in the world, as free as the Press in England is. I do not believe—I read English papers, sometimes—that any criticism appearing in the section of the British Press that is opposed to the present administration in that country and writes in a free and frank style, different from the English that we know, goes to the length to which in India some papers take their criticisms of the administration and personalities in India. This is about papers conducted in the English language. As for the language papers as they are now called, I claim that no Press in the world enjoys the licence that these papers enjoy. Sooner or later the world will understand that in democratic India the Press is perfectly free as regards expression of news and views and the language in which criticism is expressed is in no manner deterred by considerations even of respect for authority, not to speak of repression.

All penal and quasi-penal regulations are for exceptional people. Mr. Goenka made in his very fine speech comments and arguments as if this Bill was directed against the Press as a whole. That is not correct. It is not the intention: it cannot be

the effect of the Bill if passed into law. The ordinary average is good. The bad is an exception and it is for that exception that laws are provided for in any country in any field.

It is argued that the measure that I propose would give a bad impression to people about the Press in India. It would appear, they say, that most newspapers today were committing the breaches complained of and provided for in clause 3. No one used to the study of laws in any country draws such foolish conclusions. I have made it quite clear that this clause and the whole of this Bill are intended for the few who may commit the serious breaches referred to. I stated at the very outset that I do not expect even in the few cases these clauses will be successfully applied. Hon. Members know that any executive Government which had its own authority easily exercises it but when the executive Government has to go as a complainant to a court and submit to the decisions not of a court but of the terrible jury which I am going to put into the jury box in any one of these cases and thereafter the High Court which is not always too kind to the executive Government will have the power to review, no executive Government will pass an order for prosecution without considering it a hundred times whether it can do it with profit or it may result in disadvantage to them. I have indeed claimed that the Bill may probably remain unapplied to any case. I do want it, however, to scare away bad people, the exceptional people who want to do things I have described there, not the people here who think that they may thoughtlessly, recklessly or in an absent-minded mood commit such a breach. It is not intended for them but for those who have it in their minds to do it and who will be afraid of doing it thinking that I am a bad man or my successor is a bad man and would put the law into action.

The value of a penal law is in its non-application, not in its constant use. The law should remain there to serve as a deterrent and to help the better section of the Press to develop right standards of expression to prevail in the profession. In the Penal Code we have provided for punishing people who commit all kinds of offences such as the practice of slavery, unnatural offences and the like. Is it a criticism to say that the Indian Penal Code will create the impression abroad that slavery is prevalent here or that unnatural offences are very common? It is not a correct argument. Even in the British law there are horrible offences described and punishments

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set out. Nobody need imagine that reading the Indian Penal Code people in the world will think that such things largely prevail in India. Yet these offences have to be mentioned and provided against.

The ethic of any particular profession depends on the individuals practising the profession. Ultimately it is this natural development of standards that we have to depend upon. This is a common argument for both sides. So we have to accept the argument that ultimately we have to depend on the natural development of standards in any particular profession but the natural development is assisted by the penal law, because there are black sheep in every profession, including even the Cabinet as was so kindly and nicely put by Mr. Goenka in a moment of forgetfulness of his usual style. This is not the case only in this field. It is the case in every department of life. It is not the case only in this field where natural development has to be assisted by the penal law. Delhi or Bombay is becoming cleaner not on account of the nuisance laws as such but by reason of the higher standards in the minds of the people themselves but the penal law is necessary so that it may help the raising of the standard. Look at our Constitution. We have provided even for the impeachment of the President, we have provided for the impeachment of the Speaker in the Constitution. We have done it cold-bloodedly and without any nervousness in the Constituent Assembly. We have provided for disqualification of Members and candidates to Parliament on the grounds of idiocy and insolvency and the like. Does it disfigure our statute-book in the sense as was argued in the case of this poor Press Bill? We have passed the Constitution in its entirety, with all its blackspots, if you may so call them. They are not blackspots. Nobody need be scared by such provisions for exceptional cases and imagine that our credit abroad or our conscience inside will be injured thereby.

The fact of the matter is that we are obsessed by the memories of a previous Government. That is the thing I have to fight against. I may make it clear before I say anything else that no fair comment or *bonafide* criticism of the system of Government or of the measures of Government or of the administration or even of the laws passed or for that matter, even of the Constitution would come within the terms of any of the items of objectionable matter dealt with in this Bill. Interference was a word which was much handled. Interference with

the working of a factory, for instance, is not the same thing as criticising the administration of the factory. That example can be applied to every other case. Interference is very different from criticism. In the same manner interference with the administration of law or with the maintenance of law and order is not the same thing as criticising the officers or the methods, or the procedure or the practice concerned. People were complaining that these words are not in the legal dictionaries. So much the better. These words are in the ordinary dictionaries which every man can read; it is only special terms that are put down in the legal dictionaries. Interference is a common word. Also, philosophers and grammarians and literary men will understand easily when I say that no definition is really possible unless you go down to certain well-known and well-understood words. Even if I define interference, if I define violence or sabotage, I should finally come down to certain words in the ordinary dictionary and depend on that dictionary and not on a legal dictionary. It is a vicious circle in the use of legal language, but there are certain words which are well-understood and which should be understood; if there is no legal definition or interpretation of the word, then the definition in the ordinary dictionary is accepted by the interpreting tribunal. Interference is a well-understood word. It is something physically done to stop or injure the machine or the organisation. It is not mere criticism; it is not thought, it is not criticism or comment—it is something physically done to stop or injure the machine or the organisation. It is not our fault if we misuse words. If any hon. Member says, "Why do you interfere with me?" when he is criticised, it is only proof of his bad temper—it cannot alter the meaning of the word interference. You can freely criticise the distribution of food or of services but you do not interfere with the administration of laws regulating the supply and distribution of food or of utility services by any amount of criticism levelled against it with the object of improving it or changing it. Interference is a definite word with a well-known meaning. I can criticise the railway administration, but I interfere with that administration if I do something more than criticism, for example, if I arrange for the failure of a semaphore or a signal or cause a derailment by removing a rail. My hon. friend, Khwaja Inatt Ullah made the position very clear in his speech in this respect. He dealt with interference and the mistaken

criticism of the clause with reference to that word.

An Hon. Member: The microphone has failed.

Dr. S. P. Mookerjee: Interfering with your speech.

Shri Rajagopalachari: If he did it purposely he would be an offender.

Pandit Thakur Das Bhargava: Purpose and knowledge and intention are nowhere mentioned in this clause.

Shri Rajagopalachari: Purposely. I will deal with it either here or in the Select Committee. When we are punishing a man we must examine the intention—whatever the legal term may be. When we examine and prosecute the institution which produces that writing, the meaning of the word and the tendency of the word alone must guide us, not the intention. I may be a very well-intentioned man but if I drew a picture of a man going and stabbing Swami Shraddanandji, I cannot say I am well-intentioned—the picture will be the matter that will be judged: its tendency or its effect will have to be taken into account. But let it be taken once for all that any *bonafide* adverse criticism however much it may differ from the prevailing governmental view cannot amount to interference or anything else put down in clause 3. I am not offering this as an assurance. I accept the rule that no assurance given on the floor of the House will govern a court: it is the law that governs. What I say is under the law and according to the terminology of the law that I propose should finally be passed; my intention in furthering this Bill is that no adverse criticism, provided it is *bonafide*, however much it may differ from the prevailing governmental view, can amount to interference or anything else put down in clause 3. And you may take this intention of mine not as an assurance but as a basis and work out any change in the language that may be desired.

Again, violence is a well-understood word. It is the unlawful exercise of physical force against any person or intimidation by exhibition of such unlawful physical force. Sabotage is also well-understood. With due deference to those who did not think so and said so, sabotage is very well-understood, and I give the meaning here: it is the doing of damage to plant or stocks, bridges or roads and the like with the intent to destroy or injuriously to affect the utility of the plant or the service or the means of communication—not criticism. Sometimes we say, "You have sabotaged my propo-

sal", but that is only a figure of speech, it is not the word *sabotage* used in its ordinary sense. When we use well-known words as they are understood in the language standardised in dictionaries we do not require further definition or qualification. Take Lord Macaulay's draft of the Indian Penal Code. It is a remarkable production; I wish all of us, Parliament Members as well as draftsmen, kept this for copy as regards language. There you will find assault defined, hurt defined, and defined in a most metaphysical way because there he was at the bottom of things, he was so to say at the rock bottom of terminology and he had to define what force was and he had to give the definitions of other words. But through well-known words he has defined in the Penal Code what causing hurt would be. When we use well-known words, therefore, we use them in the sense standardised in dictionaries and we do not require further clarification or definition. We have to define and explain special terms of art; but words like 'interference', 'violence', or 'sabotage' can neither be extended beyond the normal meaning of those words nor fail to be understood properly. And in all this process—and here is the important point which perhaps may have to be repeated by me over and over again in different contexts—in all this process of understanding and judging whether there is a breach or not and what was intended by the law to be protected are all left to the impartial decision of a judge who is used to and is well versed in the determination of complicated judicial issues in a fair and impartial manner and the proposal is further that such judges should be assisted by persons familiar with the language and the particular standards prevailing in the newspaper world. I could not go further. I am not as bad at all as Shri Mathura Prasad Mishra thought I was. I thought honestly to make as liberal a measure as possible and I could not go beyond this. When I have gone to the judge and the jury of Pressmen and those who know the language of the Press as it prevails at the time when the prosecution takes place. I cannot go beyond that unless you give me a figurative dynamite to blast the rock and get some water out of it as it is necessary to do in my native district.

The word "classes" in sub-clause (vi) of clause 3 has frightened some people. The fright was natural. Section 153A of the Indian Penal Code was enacted in 1893—fifty-three years ago. "Feelings of enmity or hatred between—

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different classes of Her Majesty's subjects" were the words in this section. Many courts have examined and applied the words used in this section. They have found no difficulty in not punishing the just and in punishing the real wrong-doers in this respect. The section has been well understood and interpreted by courts all these 53 years. I have copied in this Bill the language of section 153A exactly as it stands. Any change of language now after over fifty years would produce more doubt and confusion than any advantage. There is always an advantage in using words which have stayed with us for a long time, especially legal words interpreted by courts all this half century.

One hon. Member, Sardar Man—I find he is not here—commented on the fact that whereas in that section the words are—

"Promotes or attempts to promote feelings of enmity or hatred between different classes or persons in India"

I have in this Bill said, "Tend to promote etc". Instead of "attempt" I have used the words "tend to promote". The 1931 Act which is sought to be repealed by this Bill says:

"tend directly or indirectly to promote feelings of enmity or hatred".

I have omitted 'directly or indirectly' and used only 'tend'.

Shri Naziruddin Ahmad (West Bengal): This is more dangerous.

Shri Rajagopalachari: No, unless you have a bee in your bonnet or an obsession in your brain. There is no more danger. I do not want the word 'indirectly'.

Pandit Maitra: There is obsession on either side.

Shri Rajagopalachari: Very well, you have made a good retort, I admit, but a very simple retort. Like ping pong the ball goes up and down, but please follow me.

I do not want the word 'indirectly' to be in the clause because I am convinced in my legal conscience that the word 'indirectly' does serve to enlarge the ambit of the offence unnecessarily. Hon. friends should remember if you put an adjective, you create room for doubt. If you say 'tend directly or indirectly' you have let the door open for indirect tendencies. So I remove both 'directly' and 'indirectly'. I have put it as 'tend'.

Shri Ramalingam Chettiar (Madras): 'Attempt' is defined whereas tend is not.

Shri Rajagopalachari: I know that 'attempt' is defined in law. My next sentence was that. When we deal with the effect of writings and written representations, in my opinion and according to my knowledge of the English language the word 'tend' is more appropriate than the word 'attempt'. The word 'attempt' can only apply to physical acts. The word 'attempt' does not appropriately apply when we deal with the meaning of written things and the effect of written things. That is why I have used the word 'tend'. Just put the word 'attempt' in the clause referred to and then see. Saying—

"Words or other written representations which attempt to promote..."

would be altogether wrong. At least it jars on me with my knowledge of the language. 'Tend' is necessary if you deal with words, but you may modify the word or you might even suggest some other words. For instance, my extremely vigilant and helpful friend Mr. Kamath said, 'Why not say "calculated to"?' I admired the suggestion, and I have taken note of it for further study and examination, but the word 'attempt' would be altogether out of place. That is the reason for the difference observed by Sardar Man and nothing else secret or wicked on the part of the Home Minister.

Mr. Deputy-Speaker: 'Tend' is in the 1931 Act.

Shri Rajagopalachari: Yes, but the 1931 Act has to be repealed and they want something better, so I have removed the words 'directly or indirectly' and kept 'tend'. 'Tend' means 'having a tendency to'. I remember a passage from a book of jurisprudence I read and when I was only seventeen years old. I think I understood it rightly enough at that age. I read in that book that when dealing with contracts the older jurisprudence said "What is the offer? What is the acceptance? This is a contract", but the other book of jurisprudence that I read, which was a more up-to-date book at the time said, "No. It does not depend upon that. The law does not care for what was said. The law wants what was expected by what you said. What is the impression you created in the mind of the other person when you said something, and if he accepted it, he has accepted that and that is the contract". Here, we are dealing with the effect of

words used and we cannot find a better word than 'calculated to' or 'having a tendency to'. Because the British Government was applying the word 'tend' in a particular way, we should not imagine that the British language had been spoiled on that account. The word 'tendency' has a very definite meaning and that could very well be understood by any judge. The tendency is the property of the language and not of executive authority and I would not be afraid of the word 'tend'. Whatever may be the law made against me, for instance, 'tend' has a definite meaning.

Pandit Maitra: It has acquired a judicial connotation also.

Shri Rajagopalachari: That was not a proper connotation. We have different judges now.

Very lengthy criticisms were made of the subject matter of clause 3, reading the sub-clauses one by one. All such criticisms in my humble opinion as were advanced were more essays on the imperfections of the English language, that is, as we understood it, rather than any substantial or convincing points made against the substance of the provisions contained therein. Sub-clauses (i) to (iv) of clause 3 do not call for any explanation. Sub-clause (v) of clause 3 is what is prohibited—hon. Members will look up the Penal Code—in section 189 which was written a 100 years ago. The clause is word for word the same language as section 189. That is to say, real interference with public service. So also (vii) is word for word section 503 of the Indian Penal Code, what is well-known as 'criminal intimidation'.

Pandit Maitra: They have all sanctity now.

Shri Rajagopalachari: Most certainly. I do not think I could write a clearer, more precise or a juster definition of 'criminal intimidation' than is contained in section 503. If necessary, I shall call Dr. Mookerjee in evidence on my behalf. I cannot write a better definition of interference with the public authority which is criminal than what is written in old section 189. I would ask Dr. Mookerjee to improve Macaulay's language and make it juster or more precise. It is impossible, I say. If an individual can be punished for an offence so described in 189 or 503, and that wording is fair and appropriate, I would ask how it could be inappropriate for a newspaper that attempts to commit the same offence through the printed word? We cannot have one definition for the common individual and another for the Press.

Shri Goenka: Let it be applied to all the clauses.

Shri Rajagopalachari: The same law cannot apply to all classes as it would produce injustice. Discrimination is a definite act; it is not merely a formula, dogma or creed. If I discriminate and if I commit the very offence that I do not wish to commit, namely, to make discrimination; if for instance I said that only a certain class of school boys should be admitted in a college only those who have secured certain marks, then I would be making a discrimination against the poor boys who have not the family life and the tradition or the association that the others enjoy. My Madras friends should know at once as soon as I refer to it. My friend knows it and he is smiling. If an individual can be punished for an offence and the wording for that purpose is fair and proper then I respectfully claim that there is nothing wrong in the definition of the offence so far as the Press is concerned. The degree of the offence may be different; the punishment may be different; everything else may be different; but the description of the offence cannot be improved. The language is the same, I assure hon. Members. Word for word, not excluding even unimportant words. I have no doubt the Select Committee to which this Bill may be referred will examine the clause with great care and I shall have an opportunity there either to defend the provisions or to accept modifications which may be shown to be necessary or desirable.

After all—again I repeat—the judge will interpret and weigh the merits of the cases. The execution of the law is not left in the hands of the executive. Let not repetition lessen the value of that provision. I have not followed the process of bargaining when introducing a Bill, keeping up my sleeves certain further concessions, and giving them after the harassment I may have in the Select Committee. I have placed all my cards on the table. The Bill is there. Let hon. Members not yield to the cheap temptation of considering the provisions of a judicial tribunal and judicial trial, and the provisions for appeal and jury, unimportant simply because I myself have offered them initially. For my part, even if the Bill is thrown out, I hope that this proposal I have made is a valuable contribution to the progress of law in this country. I do hope that nothing will be valued at less than it is simply because of obsessions in the mind of particular interests, or on account of the fact that I myself have offered it and there

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is no new concession to be wrung out of me.

The execution of the law is not left in the hands of the executive. This was the case under previous laws and is the great obsession which some hon. Members are not able to get over. When this is pointed out an attempt is made to cast doubts on the impartiality of judges. What then is to be our anchor? Whom are we finally to trust and depend on? Are we to trust no one in the world but a free and unrestrained Press? Not only is a judicial tribunal and full judicial procedure provided for the trial of every complaint filed on behalf of the Government against a newspaper, but a company of newspapermen sit down to give their verdict, mostly their own brothers in the profession, to assist the judge who is bound to accept such verdict unless the judge refers the case to the High Court and the latter takes a different view. If we do not trust the High Court, if we do not trust any judicial tribunal, if we do not trust our own...

Shri Naziruddin Ahmad: There is no question of not trusting the judges. The law will compel them to punish persons who are morally innocent.

Shri Rajagopalachari: When we are making a law the question of trust does arise. When we are discussing the provisions of law by which such and such people are asked to decide whether the law is to be accepted or not depends on the elementary question whether we trust the tribunals to which the law says we should go. I do not think my hon. friend Mr. Naziruddin Ahmad has raised any substantial doubt in my mind by reason of his interruption.

Every issue is to be judicially tried and decided and the Government can only make a complaint to the court to initiate the proceeding. Every decision of the court is subject to appeal to the High Court. Let us not break our anchor in our enthusiasm for opposing a Bill. The anchor in democracy, where all questions have to be decided finally by a tribunal, is the High Court. Let us not throw the High Court into a mere argument against a Bill. We must stand by them and when any law provides for appeal to the High Court, there should be no discussion in that matter. We can point out that such and such procedure also should be followed. That will certainly be looked into. As I said, it is not merely for making a caustic observation that I say this but because I wish to offer a substantial argument. If I cannot trust the judge, if I cannot trust the

jury, if I cannot trust the High Court, I say positively that I cannot trust your free Press. I maintain that my point is quite sound, but let us discuss it later on. If they want an appeal from the High Court, if they want a jury to assist the High Court also, if they want any other provision, let us examine it.

It was said by the President of the All-India Newspaper Editors' Conference in his speech that he would not be sorry if the special jury provision were dropped. And this was repeated in a different way by the other sturdy champion of the Newspaper Editors' Conference, Shri Ramnath Goenka who said "I do not like this jury provision". Shri Ramnath Goenka always indulges in a frank style of language and he straightforwardly said "I do not like this provision". Shri Deshbandhu Gupta is a Parliamentarian and he said "We shall not be sorry if the special jury provision is dropped". All this confirms me in my doubt that gentlemen belonging to the profession are not very keen on sitting in judgment over their own brothers. They are perhaps afraid of their united front being broken. (*An Hon. Member:* That is your object). United fronts are good for certain purposes, but where we wish to improve and preserve standards of conduct one should have thought that the judgment of the brothers in one's profession would be prized very highly. It is the unwillingness, if not the incapacity, to restrain and reform and check erring members of the profession that causes apprehension in the Government's mind, for which this Bill is provided. Anyone who dares to point out the errors of an erring brother in the profession and who insists on good conduct is made the target of attack, as Shri Deshbandhu Gupta knows very well. We have, I know, to pass through this stage; I admit we have to pass through all this. While passing through this stage I claim that the law must come to the assistance of those who wish in their hearts to check those who fall below the standard. Even a common peasant knows that he must put up a scare-crow, a mere piece of stick with a *kambli* round it, in order to preserve the crop that he has raised. He will have to keep a scare-crow there. The birds well know that it is not a man—I can think of the birds' minds too—but they are not quite sure that it is not a man and so there is some hesitation. Now, that is the present law. We have to pass through this stage, as I said. But the penal law is a necessary auxiliary to those

who in their heart of hearts really wish to check this evil.

In this connection let me read a passage that has been brought to my notice. The All-India Newspaper Editors' Conference met in New Delhi on March 13 and 14 under the chairmanship of Lala Deshbandhu Gupta, and a resolution was passed condemning the tendency—I am sorry he has used the word 'tendency'—in a section of the Press to persist—here are the quotation marks—"to persist in deliberately publishing matter which is false, malicious, and indecent and which contravenes accepted standards of presentation of news and comments". The actual resolution is this. It is short and I shall read it:

"The Standing Committee, without in any way seeking to qualify the freedom that the Press rightly claims for publication of news and comments in public interest, regrets and condemns the degrading tendency in a small section of the Press to persist in deliberately publishing matter which is false, malicious and indecent and which contravenes accepted standards of presentation of news and comments."

Now let me explain why I quote this: This shows that the hearts of the Press bosses are sound; at the same time their brains are also quite alert; they know what is going on; they see the tendency, the deliberate mischief that is being done and the growing tendency and the like and after seeing these, they have expressed it. My hon. friend, Pandit Kunzru asked me: What is the evidence that scurrilous things are being written? Have you made a list of them, printed them, or made a typed copy of them and put it before the House? That was the old style but now the people's representatives know what is going on in the country and there is no question of evidence being multiplied. If I do it they will print it as a book and distribute it. Hon. Members here know the amount of scurrility and what is described in this resolution of the Standing Committee of the All-India Newspaper Editors' Conference. They know what is going on and they have taken notice of it recently. (*Interruption*) I am anticipating the reply. It is an easy argument. Well, we are taking notice of these things. Why do you bring the law? I say because you are not able to check it. I have been seeing some papers to which reference was made by the All-India Newspaper Editors' Conference Standing Committee and I have seen more scurrility after it, more vulgarity plus

an attack on the members of the Standing Committee itself. Therefore, I say that law is necessary. The law is behind the screen; it may not exhibit its ugly face before you but unless the law is behind somewhere, no organization, not even the Standing Committee of the All-India Newspaper Editors' Conference would be able to check their black sheep because the interests are contrary, are different from the interests of the better section of the Press and therefore, there is some need for law and I am providing this ugly scare-crow, an empty scare-crow, if I may say so, and it will serve the All-India Newspaper Editors' Conference if only they will co-operate but if they have made up their minds not to co-operate for some time—I do not think the anger will be there all the time, we forget most things—and if they persist for some time, I make an appeal to them but if they want to keep the agitation, I may say it will not serve any purpose. The United front may be maintained but later on I am sure this law will be useful. I have known of such cases. When recently the Sarda Bill was proposed, people thought that it would be a dead letter or there will be a revolution and so on. Now one hardly knows which is forward and which is behind. The age given in the Sarda Act is far behind the actuality that is prevailing in the country. The Sarda Act has not been able to overtake the actual age at which girls marry. Therefore, a law may be very much disliked in the beginning but by and by the law will serve its useful purpose; it is a good householder which does not poke its nose into affairs unnecessarily but is behind those who want to take help from it. Anyone who dares to point out the evil is, as I said, made the target of attack. The Bill may not be liked by Shri Deshbandhu Gupta or he may doubt the value of the jury. Shri Goenka really abhors the jury for some reason or another. I submit it is not right to non-cooperate in that way. Lawyers cannot refuse to sit in judgment over erring lawyers. In their Bar Councils from time to time they have passed very stringent remarks and penalised and on their recommendation men have been debarred from practice. I think the public has a right to demand the assistance of the members of a particular profession in maintaining the ethical code suitable for that profession. Lawyers cannot refuse to sit in judgment over erring lawyers. Parliament Members have not refused to sit in judgment over erring Parliament Members. The Jury that I have proposed in this Bill follows this principle which is both right and practicable.

A "United front" is not always a safe thing to maintain.

Shri Deshbandhu Gupta: May I interrupt the hon. Minister and remind him of the fact that during the last ten years, the Press has acquitted itself very creditably in the Press Advisory Committees in sitting in judgment on their brethren and even convicting them?

Shri Rajagopalachari: I accept the claim. But, in dealing with offences of the type that I have put down in clause 3, they are not really their brothers. You cannot control such people without the assistance of law. You cannot control criminal mentalities. It is that that is intended to be aimed at in clause 3. You do require a law. I respectfully submit that your own ethical authority can control only those who err by mistake. You cannot control, I claim, people who err deliberately. This clause is intended for such people.

Shri Deshbandhu Gupta: For that the remedy is public opinion.

Shri Rajagopalachari: The remedy is public opinion. But, we must help it to grow. The child must grow. Public opinion should grow and it should be nurtured not only by the mother who is fond and loving but also by a father who is sometimes harsh. As I said, I will answer questions at the end.

Much has been said about the absence of a maximum limit in the Bill for a demand for security. They have seized an obvious lacuna or omission. It is not a careless omission; nor is it an aimless omission. I have omitted the maximum there for a reason. It may be accepted or it may not be accepted in the Select Committee. Much has been made of it even in the general discussion. It may be clearly understood before I go to say anything about it that under clauses 4 and 7, the court decides the amount of security that is to be given. It does not matter what amount is mentioned by the complainant Government. It is the court that decides the amount of security. In the old law, it was an executive fiat before publication, and the printer or the publisher had to deposit the amount so demanded. There was no objectionable matter for the court to enquire into or look into. It was a mere demand. The executive had the authority to impose it and any man who wanted to start a press or newspaper had to fetch that money before he started any professional work in that respect. Therefore, it is that the executive put down a maximum limit. Here, the objectionable matter is before the court before

any security can be talked about. The merits of the thing are discussed in a court. Then, the question of security arises. If security is finally decided upon to be demanded, then, the court has the power to fix it. Therefore, we do not propose to put in a maximum or minimum.

Shri Deshbandhu Gupta: If I may interrupt the hon. Minister...

Shri Rajagopalachari: We will discuss it later.

Shri Deshbandhu Gupta: It was at the second stage that the maximum was prescribed. The second stage was equal to the first stage here.

Shri Rajagopalachari: May be; I do not agree. Having committed one fault, they might commit a second fault when it is not necessary. But, I do not propose to follow the structure of the old law when I do not agree with it. I have explained the reason why I have omitted it. If it is desired that a maximum should be indicated there, thereby indicating the order of the amount that could be demanded, it may be done. For instance, if I do not say anything, the court may punish the executive and bring it to ridicule by putting it down, "Please deposit Rs. 100". If I put down a maximum in the law as Rs. 20,000, they will think in terms of thousands. I have no objection to put in a maximum.

Hence the Government fixed a maximum limit but now we have taken away the power from the executive and put the executive in the position only of a suitor before the court. Is there any maximum as to the amount of fine, in the Penal Code, except in a few cases? In most cases, there is no limit. It does not mean that there is no limit in fact.

Shri Naziruddin Ahmad: In most cases, there are limits.

Shri Rajagopalachari: In the Bill as I have drafted, the executive states in the complaint the amount that it considers fair and reasonable and leaves it to the court to decide when it finds the respondent guilty of the breach. Under these circumstances, the fixing of a maximum or a minimum has no meaning. Such limits are relevant when power is arbitrary. As to why it is provided that the Government should state the amount they propose in the complaint will be gone into in detail in the Select Committee. It is to ensure, I may mention here, against prejudice in the judicial procedure, which I shall explain if necessary in the Select Committee. There will be grave prejudice to the accused person or newspaper if they begin discussing

the amount of security in the course of the trial. Or there will have to be two trials: one up to the finding and then a subsequent enquiry as to the amount. But, if the amount is mentioned beforehand, it could be discussed impartially without bias. For the present, it would be enough for me to point out that if an incontinent demand is made by the Government, it would rather go against them in the trial, as I have provided for in this Bill. It is not in the interest of Government to make any exorbitant demand; nor is the court bound to accept such demands. Before the court decides the main issue it would be difficult for the court to discuss the amount of the security. Hence this provision.

Then, another question has been asked, "Why has not section 144 been abolished?" It has been stated that this is a very bad section. Section 144 of the Criminal Procedure Code has served more than anything else in this country to preserve order. Government would be most difficult in this country without that section, unless, indeed, we tacitly authorise Government to use force without a magisterial order. If we decided to go without section 144 of the Criminal Procedure Code, we would only be paving the way for Fascism, or, for chaos and for domination by rowdy sections in every area, who will carve out authority for themselves. This section, I would say, has served to preserve peace and order in our country at the cheapest cost, both in money and in injury to person and property. Here too the occasional abuse of this section in former times has become an obsession with our critics.

Shri Deshbandhu Gupta: The demand was about its application to the Press and not for the abolition of the section as such. That is the recommendation of the Press Laws Committee.

Shri Rajagopalachari: I will come to it. I shall offer all the recommendations of the Press Laws Enquiry Committee if the Press will accept them.

As I said occasional abuse of this section in former times has become an obsession with our critics. But this abuse cannot happen under the present Bill or under the present authority. That is impossible now. The matter can come to the High Court. There is provision here for putting up a complaint to the Judge.

Reference is made to the proposed Press Commission. The Press Commission referred to by the Prime Minister was intended for certain purposes which have nothing to do with 306 PSD

the matter of this Bill. The aims and objects of such a Commission have been explained by the Prime Minister to the people concerned. They are well known to journalists and proprietors of presses and newspapers. Some of them like it very much, some of them do not dislike it, and some of them are not very keen about it. Government has not abandoned the idea, but it is a Commission that will take a year if not more, to complete its task. It has to go round, take evidence and see things as to how newspapers are produced and managed and things of that kind and not much to do with the content of newspapers.

Another criticism of this Bill demands that the provisions contained in the Press and Registration of Books Act of 1867 should be altered and that no newspaper need be asked to be registered. Why should any one who wishes to start a newspaper or periodical be asked to go to the magistrate and declare the place of printing, the name of the publisher, before him? It is considered that registration is an indignity and that people should be free to start newspapers without making any declaration.

Shri Goenka: The objection was with reference to the great delay that occurs due to...

Shri Rajagopalachari: Well, that is not in the article in the *Hindu* that I read.

Shri Goenka: Delay of months takes place and the paper cannot be started.

Shri Rajagopalachari: We accept delay even in the matter of buying a pound of rice. We stand in queues. The question of delay is different. If that is the complaint, we can put it to the administration and whip it up. But I read in the columns of the *Hindu* a recommendation that registration itself is undignified and should be given up. Freedom of expression, we know, is the slogan. How can a man be asked to register himself, like taking the thumb-impression of a prisoner? Well, this is a strange demand in an age of statistics and registration. Cycles, motor-cars, buildings, births, deaths, marriages, everything in fact, should be registered from time to time. There is demand even for statements of property, income-occupations etc. The growth of national life has been such that without such registration and without continual attention to statistics it would be impossible to administer and work for the welfare of the people. We ought to know who is responsible for a newspaper. We ought to know where it is published.

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We cannot know just who is to be guilty of neglect, if any neglect has happened, unless this is gone through. So all this has to be gone through. There is nothing whatsoever which can be deemed humiliating in such registration.

Protests against this Bill have been expressed by newspapers and journalists' unions. I may be excused if I describe this as a steam-roller affair. I am sorry the people engaged in the production of newspapers have made up their mind to maintain this agitation. The technique of united steam-roller protest has become easy and familiar. Other interests too try this. But the Press has great advantages in this respect more than any other organised interest or profession.

Fear has been expressed that journalists will be dismissed by proprietors out of sheer fear of the law. I should like to know how many editors have been oppressed and how many journalists have been dismissed on account of the fear of Governmental repression under the existing law of 1931 from the year 1947 to 1951. For the last four years I would like to have statistics...

Shri Goenka: Under that law the penalty was limited...

Shri Rajagopalachari: I shall limit the penalty.

We have not heard of any important cases of such repression. If by an executive fiat a journalist had not been dismissed or oppressed or the editors did not feel frightened out of their wits, if by an executive fiat Rs. 20,000 could be demanded by someone who started a treadle machine or a scrap of a newspaper...

Shri Goenka: In the first instance only Rs. 1,000 and it may go up to Rs. 10,000.

Shri Rajagopalachari: People who want to earn a living by starting a treadle machine and a small newspaper in a locality have to find the money. Nobody was depressed or oppressed on account of that. I want facts from 1947-51 when we have been having a more stringent Act in operation. You do not know how stringent the new Bill is going to be to express your fear that people will be dismissed. So it is again a steam-roller agitation and nothing else. We have not heard of any important case of such repression. We should not forget that the administration takes the character of the prevailing public opinion in a democracy such as we are under. No

administration can afford, even if it wished, to oppress just and good men under the present regime. We may commit the fault of not detecting various forms of crime and wrongdoers, as has been constantly expressed in the House. We may be guilty of neglect in pursuing evaders of taxes and evaders of law but it is absurd to think that the Government of India, whoever may be manning it, under the Constitution could oppress blameless editors and newspaper proprietors and afford to threaten them or suppress them unjustly. I do not wish to put in words the apprehension that I have in my mind: it is not necessary at this stage. I must ask young journalists not to let themselves imagine that proprietors will be in such a terror when this Bill is passed that they will not employ independent-minded journalists. Capitalist proprietors are not such terror-stricken and helpless people. Journalists too are in a position to lay down terms for offering their services. Big newspapers give very good returns—as was admitted by Mr. Goenka this morning: he said "not very bad returns"—and good salaries will not be grudged. As a matter of fact it is a seller's market so far as journalists go.

Shri Santhanam: Top journalists only.

Shri Rajagopalachari: The junior journalists have no fear about it. It is the top journalists that fear. This Bill need not be cause for any apprehension on the part of decent journalists. I do not believe that any one of them wishes to write anything inciting people to violence or sabotage or to incite people to interfere with the administration of justice or the maintenance of law and order or to interfere with the distribution of food or essential services or to seduce any member of the forces or to intimidate any public servant in terms of section 189 or any other person in terms of section 503. There is no reason for decent journals to indulge in publishing such matter as would tend to any of these things.

There may be some few who would like to have a free hand in scurrility, or in promoting feelings of enmity or hatred or producing trouble, but surely this should not be encouraged. It should be a common ground. Khwaja Inait Ullah put the case very forcibly in this respect and he asked, "Can you not see the difference between conducting your campaign to improve the lot of workers or peasants and promoting enmity or hatred between

classes?" He asked, "Surely you should not forget so soon the teachings of Gandhiji who wanted that everything should be done including the abolition of zamindari or capitalism without creating enmity or hatred". Did he not even say I ask, that you should work for a change of Government and elimination of foreign rule without rousing enmity or hatred against the Britisher? The distinction is very simple and clear and a court and jury and full judicial procedure stand between the accused person and the prosecution and against any wrong interpretation. We cannot relax the law in respect of section 153A or the corresponding provision in this Bill without doing great damage to the future of our country.

Every newspaper has expressed its opinion and we have sheaves of editorials—I have before me—and a plethora of comments in this respect. Nothing therefore remains to be done by way of eliciting of public opinion. As I said, these criticisms can almost be said to be steam-rolled out. Nothing will be gained by further enquiry or debate. No Press Member can afford to change his opinion hereafter if any enquiry is made. Nothing will be gained by further enquiry. State Governments' views are definitely in favour of the Bill. Opinions from Madras, U. P., Bengal, Madhya Pradesh Governments I have and they are rather angry at me: "No further concession is possible, you have done this without consulting us", that is their case.

We should pay and do pay the highest respect to objections and criticisms offered by any particular interest or profession concerned. Here the particular profession and interest connected with the Press is closely entangled with the organisation of public opinion itself. This is the cause of considerable confusion. All the same I am prepared to attach the greatest importance to criticisms and opinions expressed, but this must be analysed and examined on their own merits. The mere multiplication of protests and widespread repetition of the same criticism should not mislead or frighten us. The automatic result of modern organisational technique is volume and not merit. Let us by all means analyse and examine any objection but do not confuse merits with the volume of repetition.

It has been argued over and over by hon. Members who opposed the Bill that the concessions made in this Bill are not great concessions, that they are practically the same as what the courts

have already declared to be necessary under the Constitution, and that I have no right to claim that I have been generous. But why should I claim to be generous? I do not want to make such a claim. All the provisions of the Bill should be examined by the test of justice and propriety. There is no question of generosity involved. We cannot concede away, I cannot concede away, nor can Parliament concede away and make a gift of what properly belongs to the State. It may not be considered great or big by critics, but in my opinion it is a most important change and a fundamental and all comprehensive reform that I have introduced in this Bill, namely, that I have made judicial trial the condition precedent for every order that may be passed against any printer or publisher or editor. A fair judicial trial on the issue whether the paper has committed a breach such as is complained of was not there in the old law except when a forfeiture took place and an appeal thereafter lay before the High Court and even then the examination of the merits of the case was confined to within narrow limits.

Shri Goenka: Not forfeiture, even the demand of security is a matter against which you can go to court.

Shri Rajagopalachari: The first security, is it? If I have made a mistake I shall correct myself. I was only speaking of the past. Now, the original court is a court of high standing and it has the right to go into every one of the issues involved including the amount of the penalty to be imposed. And there is an appeal to the High Court again on every one of those issues involved. I, am prepared to defend this Bill on the basis of this single important general principle and if there is any lacuna which should be filled in this respect it will be done by me most cheerfully.

Shri Deshbandhuji went so far as to demand the abolition of section 153A from the Penal Code, if I understood him rightly.

Shri Deshbandhu Gupta: It was only a recommendation.

Shri Rajagopalachari: So you do not take the responsibility for it.

Shri Deshbandhu Gupta: I do.

Shri Rajagopalachari: I consider that this is one of the most salutary provisions of the penal law and we should maintain it without relaxation. The circumstances of our country demand a vigilant care over the minds of the

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people in regard to communal feeling. The seat of crime and disorder ultimately is in the mind.

Shri Kamath: And the heart also.

Shri Rajagopalachari: What we see in the physical plane is only the consequence of what happens in the mind.

Shri Kamath: And not the heart?

Shri Rajagopalachari: The Gita says 'the mind'.

The mass of people that now read what is printed, be it leaflet or be it newspaper or book, is very large. I have seen a picture that directly led to the murder of Swami Shradhdhanand. Our people are not educated enough to discriminate and escape the hypnotism of the repeated printed word. I am reminded of what I read in a novel of Robert Louis Stevenson, *The Wrong Box*. Mr. Joseph Kinsoury is a character there. He says to his nephew, "It is extraordinary how little a man of intellectual interest requires to study or to think in this progressive age. The newspapers supply all the conclusions." This was a satire but it is very true, more true now than in Robert Louis Stevenson's time. People easily form their opinions, without knowing it, on the basis of what they read in the newspapers and the printed literature. If permitted, there are people who can create great public disasters by just printing and distributing what they wish. I know that in South India this thing is in running practice.

I am surprised that while we concede that libel should be prosecuted and that an individual's reputation should be protected, any people should claim that the State should go without such protection. This Bill only provides that the State could go to the court as a humble suitor and make a complaint when its interests are attacked through incitement to violence or through falsehood, and all that is claimed is a fair trial.

Shri Deshbandhuji argued that the provisions in clause 10 are a new fetter forged by me. In a particular Independence Number a mischievous article crept in without his knowledge and one lakh of rupees he invested on it was lost by its being taken away by the Attorney-General. That was the graphic tragedy that was described in glowing terms. Clause 10 is not a new clause as he said it was. It has got out of place and therefore it may be thought to be new.

Shri Goenka: It is not new.

Shri Rajagopalachari: Shri Kamnath Goenka has had more time to look into the matter. Clause 10 is not new. It is intended to deal not with a Press or a newspaper but with any particular objectionable matter printed on a particular occasion. The clause provides that the Government could stop the dissemination of such matter by seizing the copies printed. This is provided for in the laws of all countries as Shri Braja Kishore Prasad Sinha explained quoting authority and it was provided for in section 19 of the Act of 1931. Whereas under section 19 of the Act of 1931 the Government could do this by the exercise of its own discretion and there was no fuss about it, I have provided under clause 10 of this Bill—because it is an urgent matter and dissemination has to be stopped—that the Government should arm itself first with the highest legal opinion about such objectionable matter and publish the grounds of such an opinion when making use of this power. Have I not exercised my mind in a just and conscientious way. I would ask hon. Members who are in a hurry to criticise me? The evil must be checked at once and the dissemination of such matter must be stopped, if it is to be of any use. This, therefore, is provided for. Government is entitled to act at once but should act only if there is good legal ground for it and such legal opinion obtained from the highest authority, and they are prepared to publish and defend the grounds. It is open to the party affected by it to go to the High Court as in the case of every other forfeiture and prove to the Court that the grounds given by the Advocate-General or Attorney-General or the Chief Law Officer of any State where there is no Advocate-General were wrong and that the order should be reversed.

Shri Goenka: There is no Chief Law Officer as such

Shri Rajagopalachari: Let me explain it. I wish you came to the Select Committee where I could explain it in detail. There is an Attorney-General for the Government of India, there are Advocates-General in the States. There are 26 States in many of which there is no Advocate-General. I have therefore put "the Chief Law Officer", because if we provide an Advocate-General for every state it will mean a good deal of money. If any further qualification is necessary, we shall consider it. This appeal is specifically provided for in clauses 22 and 23. If we assume that there will be always

misuse of authority, this provision can be attacked, but if we assume that laws should be made for the protection of the people, it is necessary to have a provision of this kind.

Shri Goenka: I was only anxious to know as to who is the 'Chief Law Officer' who is referred to?

Shri Rajagopalachari: I have already explained that if that expression causes any difficulty I am quite prepared to remove all ambiguity. I only wish that there were such points to be accommodated and not basic differences.

It was stated that there could be double punishment under clause 32. The general law protects everyone against being twice penalised for the same offence. The law provides punishments for various kinds of offences and breaches. No one however will be permitted by the law to be unjustly penalised twice over. We cannot, however enact that by reason of this Press Law under which a Press can be proceeded against, private rights of complaint are thereby abolished. The ordinary law must continue to be in force in spite of the several provisions of this Bill, subject of course to the general rule that no one can be punished twice over for the same set of acts. The general rule does not require to be reiterated in this Bill. We should not however confuse this principle with quite another set of circumstances. If 'A' commits an offence, 'B' cannot escape if he was party to it also, simply because 'A' was punished. If 'A' and 'B' commit an offence as members of a corporation, the fine on the corporation does not exempt 'A' and 'B' from being liable separately for what they could be proved to be directly responsible for. These are well known legal principles which do not require to be dealt with in this connection by me.

The explanations in old section 4 of the Act of 1931 are not found in this Bill. There is good reason for my omitting those explanations in this Bill. It is not as if—again I wish to clarify my mind and put it before the House—it is not as if I desire to take away the benefit of those explanations. Those explanations arise out of general principles which will apply in every case: whether those explanations are there or not. An express explanation of that kind was necessary where the law was differently worded, as in the

Act of 1931. But as the law is worded now in this Bill such explanations are out of place and may create more difficulty than give advantage to those who are proceeded against. So the explanations were omitted. But it may be clearly taken for granted that comments expressing disapprobation of measures of the Government with a view to obtaining their alteration by lawful means and words pointing out, without malicious intention and with an honest view to their removal, matters which are producing feelings of enmity or hatred—those are the words of the explanation—cannot be deemed to fall within the definition of objectionable matter under any clause. Indeed such comments cannot fall within the provisions of any of the sub-clauses in clause 3 of this Bill by reason of the very wording of this clause. *Bona fide* criticism of any kind, however strongly expressed, does not fall within any of the sub-clauses of clause 3. A paper can couch its language, I know, so as not to fall within the clauses regarding encouragement to crime, and yet the intention may be different. But I do not mind. Whatever the intention may be, all that I want is and all that Parliament wants is that as a result of the presence of these restrictions the language of the paper is restrained.

Shri R. K. Chaudhuri (Assam): We might adjourn now.

Shri Rajagopalachari: I am going to finish in a couple of minutes.

We are concerned not with the mind of the writer but with the effect on the readers. Therefore, if this produces even clever evasion of the law I do not mind, because thereby the paper is reformed. Suppose a Brahman youth bathes in the morning to escape punishment, the object is attained. He is clean, whatever his mind might be. What I want is that the paper should be clean...

Shri Goenka: Why only a Brahman youth?

Shri Rajagopalachari: I am sorry. Anybody. I dared hypothetically to impute a qualified homage to the Shastras only to one of my class.

Shri R. K. Chaudhuri: We can continue on Monday. In the mean time accommodation may be made.

Shri Rajagopalachari: The hon. Member is interrupting and spoiling the effect of my "advocacy". I do not want this to be delayed further. We have stopped so many people from speaking and I feel it wrong to take another day because I have not finished.

There is a heavy load of obsession which we should overcome in judging this Bill. We have so much disliked the repressive policies followed by the British administrators of India that many if not most of us have come to dislike all Governments and suspect and misread every regulation that seeks to preserve order or avoid disorder. Every clause here repeats in the ears of our Press friends the language of the old laws and the old repression. They fail to see the differences even if pointed out. Every phrase revives their fears and apprehensions and their strong dislike, by the law of association of ideas. I wish we could invent altogether a new language. But our draftsmen follow the established and well-understood legal phrases and put in the necessary words or delete words so as to indicate the new features of reasonableness. But the latter pass unnoticed or unemphasised. The old hated words are held up to scorn and attack. This is our difficulty. But even here my hon. friend Khwaja Inait Ullah did excellently in pointing out many things which others had left unnoticed and exposed the hollowness of the apprehensions expressed.

I have a foolish fondness for ability wherever it appears. I must say that as I read the daily outpourings of the Press on my Bill I was lost in admiration. It is remarkable how the editors of newspapers are making out that this Bill is a Bill for oppression and for strangling a free Press. These eminent and clever people who survived the British Indian law for thirty years whereby anyone intending to start a treadle press or issue a newspaper could be called upon to furnish security as fixed in the Secretariat on the basis of police reports, whereby there was no appeal whatsoever until that security was forfeited—I am subject to correction—and even then only if the matter could not be brought within the broad ambit of section 4 of the Press Emergency Act—these people write that they are under great terror and seek to hypnotize their readers who have time only to read and no time to think to believe that these clauses will suppress honest criticism and stragulate public opinion. These editors will

not or cannot themselves control their erring colleagues and they will not allow Parliament also and the court when an occasion arises to warn them, not to speak of punishing them. This is the meaning of opposition to this Bill.

Unless Parliament makes up its mind to examine the position independently we shall have no safeguard whatsoever against abuse of freedom and the degeneration of freedom into licence for scurrility and incitement to chaos. Let us remind ourselves that there is no physical power now sitting over everything and maintaining a kind of graveyard order, as was under *Pax Britannica*. There is no such power behind the screen. It was quite efficient at that time to preserve order whatever a paper may write or whatever people may do. We had this, all these long years before now. We are now free in every sense of the term. Unless we control ourselves there is nothing to check disorder which grows from thought to speech and from speech inevitably into action. The seat of evil which you seek to avoid in tangible action is the mind and if you allow that mind to be corrupted and to let evil take its seat there, you go into mortal danger. It is not for nothing that from time immemorial Governments have tried to put down mischievous writings and other inducements and to discourage and prevent such things as lead finally and inevitably to disorder and unhappiness.

If you do not control the stuff produced from the printing machine in modern times and no kind of restriction is to be imposed and no deterrent law is to be in force and if democracy should depend only on the good-will of those who are inclined to rouse groups of people to mischievous intent and the better ones controlling the Press will neither undertake to impose their own sanctions nor allow us to impose them and we are asked to take physical action after overt acts and wait till they are indulged in, then let me tell you that we would want a considerable body of armed men and a fairly large mobile force in each district of India, if not sub-district. Your army will be mostly engaged in internal security work, call it Police or Army, it will be only an internal order force and wholly engaged in that work or in being ready for it. Any financial expert will tell you that Government could not possibly afford the budget necessary for this basis of Government. Remember what I said that the great background of physical strength that kept men in order under

Pax Britannica is not now available nor is it existent in the minds of men inclined to trouble. We would have to live so far as internal order is concerned from hand to mouth. That way lives Fascism. It is doctrinarianism that leads to Fascism everywhere. It is practical sense that prevents it. The best Constitution cannot help if we do not submit to practical considerations. Let us consider calmly what the position is. Shall we repeal the Act of 1931 and leave the Press to do what they like depending only on the Penal Code regarding abetment of murder or of offences, defamation and contempt of court and let the people be misled to any extent and wait till newspapers of themselves improve? Is it our idea that writings do not matter? If not, what should be the restrictions? That writings matter is obvious. Then, what are the restrictions? These are stated in clause 3, I claim, with every care and caution and minimised to cover only essentials. Shall we allow these objectionable matters to be freely published by any one so inclined or shall we have the power to ask a proper judicial authority to go into alleged breaches? This Bill provides no other power to the Government.

Shri R. K. Chaudhuri: May I ask a question now or after the speech is finished?

Shri Rajagopalachari: The right of complaint is given to every one who is wronged. Shall we deny it to Government in the case of a newspaper? All we want is that no newspapers should write so as to encourage the breakdown of law and order or say things to encourage serious crime.

Very much has been said that in the countries of the West there are no restrictions on the Press. I have already pointed out the special conditions and features in our country which require care and caution on our part and which it would be wrong to ignore in order to maintain uniformity with countries in the West. But I would like to read from an official document issued by the Council of Europe to which the representatives of thirteen Governments—it is not an unofficial body—have affixed their signatures including the representatives of the Governments of Belgium, Denmark, France, Ireland, Italy, Netherlands, Turkey and Great Britain. The document was signed on the 4th November 1950 and has been presented by the Secretary of State for Foreign Affairs in the United Kingdom to Parliament. Signed in 1950, this document necessarily deals with modern conditions and

with the requirements of modern Governments. Article 10 of this document reads thus:

“Every one has the right of freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority. This article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises. The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.”

All these restrictions and conditions which I have read from this Convention adopted by the Council of Europe are exactly no less or more than what have been incorporated in the amendments of the Constitution to article 19 against which such a great agitation was led and which was described solemnly as an encroachment on freedom of expression. They are, again, no less nor more than what is incorporated in clause 3 of my Bill. Every suggestion that has been made in the course of the debate will be considered by me and by the Government with respect. In the Select Committee these constructive suggestions will be discussed and examined and wherever possible, without prejudice to the object of the Bill, adopted.

I hope the House will pass the motion and reject the dilatory amendments.

In the names of Members for the Select Committee, I would request you to allow an amendment by adding the name of Mr. Guha in the list.

Mr. Deputy-Speaker: What about the date? Seventeenth may not suit.

Shri Rajagopalachari: A week from now; I think 24th would be all right.

Shri Kamath: Mr. G. S. Guha or Mr. A. C. Guha?

Shri Rajagopalachari: I am sorry; I had in mind the constant interpellator.

Pandit Maitra: May I enquire from the hon. Home Minister if he is prepared, or for the matter of that, if the Government is prepared to limit the life of this Bill to a short period of two or three years so that meanwhile a Press Commission may be appointed and the Press Commission may settle things?

Shri Rajagopalachari: It is not a matter of argument or debate. My mind runs this way that Parliament from time to time is free to do what it likes and we are well used to the process of amending, repealing and everything. I do not think it is necessary. The British Government thought that they were there by order of Providence for all time. They fixed emergencies and this and that. We live from day to day.

Shri Deshbandhu Gupta: May I ask the hon. Minister one question. He has not made any reference...

Shri R. K. Chaudhuri: I had already...

Mr. Deputy-Speaker: Order, order. Hon. Members are evidently under the impression that they have a right to ask questions after the hon. Minister has sat down. There is absolutely no such right. Hon. Members who want to put questions or to interrupt when the hon. Minister is addressing or is on his legs can do so only if he gives way. Of course, if it is a word of personal explanation or some such thing, it is different. That is on a different footing. But it is no good once again raising questions now and converting it into a sort of question-hour. I am not prepared to allow any questions now.

Shri Rajagopalachari: And the clause-by-clause consideration of the Bill is coming up.

Mr. Deputy-Speaker: Yes, the clause-by-clause consideration will also take place. We have already sat for fifteen minutes more than usual and hon. Members must naturally be very hungry. In view of the very able speech just now made by the hon. Home Minister, I wonder if hon. Members who have moved for circulation of the Bill will press their amendments. Anyway, let me put it to them. Does Shri M. P. Mishra press his amendment?

Shri M. P. Mishra (Bihar): I am pressing it.

Mr. Deputy-Speaker: All right. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by six months."

This is absolutely a dilatory motion—six months. It should have been disallowed. Anyway, I have put it to the House.

The motion was negated.

Mr. Deputy-Speaker: Does Dr. Ram Subhag Singh press his amendment?

Dr. Ram Subhag Singh (Bihar): No, Sir. I request leave of the House to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Shri Rathnaswamy? He is not present. So I have to put it to the House.

Shri Bharati: But a similar motion for circulation has just now been negated. Why put this to the House?

Mr. Deputy-Speaker: No, this amendment asks for a shorter period.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 10th October, 1951."

The motion was negated.

Mr. Deputy-Speaker: Shri Deshbandhu Gupta?

Shri Deshbandhu Gupta: I press it, Sir.

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1951."

The motion was negated.

Mr. Deputy-Speaker: Now, I put the original motion to the House, with the addition of the name of Shri A. C. Guha, and what shall be the period? When should the Select Committee report? Shall I put it as the 27th of September?

Shri Rajagopalachari: I leave it to you, Sir.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide against the printing and publication of incitements to crime and other objectionable matter, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar,

Babu Gopinath Singh, Shri Krishna Kant Vyas, Shri T. Husain, Shri B. Shiva Rao, Shri Awadheshwar Prasad Sinha, Shrimati G. Durgabai, Dr. Panjabrao Shamrao Deshmukh, Shri R. K. Sidhva, Shri N. Madhava Rau, Shri Raj Kanwar, Pandit Thakur Das Bhargava, Pandit Hirday Nath Kunzru, Shri V. S. Sarwate, Shri T. R. Deogirikar, Shri Mathura Prasad Mishra, Shri O. V. Alagesan, Dr. Zakir Husain, Pandit Munishwar Datt Upadhyay, Shri S. N. Das, Shri Indra Vidyavachaspati, Shri Tribhuan Narayan Singh, Sardar

Hukam Singh, Shri Gokul Lal Asawa, Shri Dev Kanta Borooah, Shri Kishorimohan Tripathi, Shri L. Krishnaswami Bharati, Dr. C. D. Pande, Shri M. L. Dwivedi, Shri A. C. Guha, Shri Satish Chandra, the hon. Shri R. R. Diwakar, the hon. Shri N. V. Gadgil, the hon. Dr. B. R. Ambedkar, and the Mover with instructions to report by the 27th September, 1951."

The motion was adopted.

The House then adjourned till Half Past Eight of the Clock on Monday, the 17th September, 1951.