

Tuesday, 11th September, 1951



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 ,, آخر، 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

Tuesday, 11th September, 1951

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

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

**ORAL ANSWERS TO QUESTIONS
COMMUNIST MOVEMENT IN HYDERABAD**

*936. **Shri Sidhva:** Will the Minister of States be pleased to refer to the answer given to my starred question No. 462⁽¹⁾ asked on the 8th June, 1951 and state:

(a) whether the arrested leaders have been prosecuted or detained under the Detention Act; and

(b) whether the Communist movement has eased after the arrest of the leaders?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) The two arrested persons in Hyderabad State referred to in the previous question are detained under the Preventive Detention Act.

(b) There is some improvement in the situation.

Shri Sidhva: Besides these two leaders to whom the hon. Minister had made a reference, namely Raj Bahadur and Mohiuddin, are there any other leaders still absconding?

Shri Gopaldaswami: Not of the same rank in the party—there are some important persons still absconding.

Shri Sidhva: The hon. Minister stated that the situation has slightly improved. Will he kindly enlighten us on whether during the last three months murders or loot have been committed in the surrounding areas or whether these crimes have considerably reduced?

Shri Gopaldaswami: Murders and other crimes have been committed during the last three months; they continue to be committed even today. But if we compare the figures for the months of the current year from January 253 P.S.D.

any onwards, we find a tendency towards a lessening of the number of murders and other crimes. That is all that one could say.

Shri Kamath: Which, Sir, are the areas or the districts in Hyderabad still affected, or rather afflicted by communism?

Shri Gopaldaswami: The districts in the Telangana area still continue to be most prominent in this respect. These activities have extended to one or two other districts but they are not so badly infected as the Telangana area.

Shri Jnani Ram: May I know the causes for the improvement in the situation?

Mr. Deputy-Speaker: Prompt action.

Shri A. C. Guha: May I know what facilities were given to the communist leaders who came from outside? Did the grant of such facilities have any effect on the whole situation? And may I know why those undue facilities were given to them?

Shri Gopaldaswami: I don't think they have attacked the situation at all. They were able to tackle certain individual prisoners in the jail. That is to say, they applied for permission to interview and that permission was given. No other facilities were given by the Hyderabad Government.

Prof. Ranga: Is there any truth in the Press report that some negotiations were going on between the Hyderabad Government and the Union Government, and some of the communist leaders on the other side?

Shri Gopaldaswami: I would not call those meetings between some of the communist leaders from outside and the Hyderabad Minister concerned as constituting anything like negotiations. They certainly wanted permission to see these people, that permission was given. They subsequently came and had a talk with the Home Minister, Hyderabad Government but there it ended. The Hyderabad Government did not, nor had it authority to, enter into negotiations.

Prof. Ranga: Is it true that the communist party claims that it has changed its policy and disclaims responsibility for these individual murders, while in Hyderabad State itself these murders and other crimes are committed in the name of the local communist party?

Shri Gopalaswami: I think that is a fairly correct description.

Shri A. C. Guha: Is it the policy of Government to allow political leaders to interview political prisoners or detenus inside jails and to discuss political issues? Will that facility be allowed to other prisoners also?

Shri Gopalaswami: The question is not one of discussion of political views. Certain persons were in jail, they represented a particular party; some of the leaders of that party thought that by interviewing them they could probably help towards an easing of the situation.

Shri A. C. Guha: Was any police officer or other Government officer present during the interview?

Shri Gopalaswami: The usual officers were present.

Shri Kamath: Has the States Minister's attention been drawn to a very recent statement of the Hyderabad Food Minister to the effect that the food situation in Hyderabad is somewhat precarious and, if so, are there any grounds for the belief that this food scarcity has provided a fillip to Communist propaganda in Hyderabad?

Shri Gopalaswami: I take it that the hon. Member wishes me to answer only the latter part of his question. I don't think I have yet had any reports that the relative scarcity of food at the present moment has given any fillip to communist activities.

The Minister of Food and Agriculture (Shri K. M. Munshi): May I point out that except in the matter of rice which is a complaint in all the rice-consuming areas, there is no precariousness so far as food situation in Hyderabad is concerned.

Shri A. Joseph: Is it a fact that the present Government of Hyderabad is asking the labourers and kisans in Hyderabad State to vacate the waste lands which were being cultivated by them in favour of zamindars and jagirdars, and that is the reason for the unrest?

Shri Gopalaswami: I think that would be a wrong description of the activities of the Hyderabad Government.

Shri S. N. Das: Besides taking these preventive measures and putting pre-

sons in jail, what are the other efforts made by the Government to eradicate the social evils on which these communist leaders thrive?

Shri Gopalaswami: Very many kinds of activities are now engaged in by the Hyderabad Government: opening up of communications, the starting of facilities like post offices and schools, and things of that kind. Also, the settlement of some of the forest tribes on land in several places alongside the roads. I think ameliorative activities of all kinds are attempted in this area.

AIR TRANSPORT ENQUIRY COMMITTEE

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

(a) whether Government have taken any decision on the recommendations of the Air Transport Enquiry Committee regarding the *ad hoc* payments towards supply of petrol, if so, what is the decision and whether the subsidy will continue as recommended by the Committee during the next year also; and

(b) what is the re-composition of Air Transport Licencing Board?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) There is no question of *ad hoc* payment.

The Committee recommended that subsidy should be paid to air companies operating scheduled services as follows:

(i) From 1st October 1950 to 31st December 1951: at -/9/- per gallon of petrol consumed;

(ii) In 1952: at -/6/- per gallon;

(iii) From 1st January 1953 onwards the difference between a company's estimated revenue and its reasonable cost if the cost is higher than the revenue.

The Government has decided to pay as follows:

(i) 1st October 1950 to 31st March 1951: Nine annas per gallon of petrol consumed;

(ii) From 1st April 1951 to 30th September 1951: Six annas per gallon. The question whether this rate should be revised and the date of payment extended upto 31st December 1951 is under consideration.

(iii) From 1st October 1951 or at any rate 1st January 1952, as may be decided, the subsidy will be related not to the amount of petrol a company uses, but to the loss it may incur after economical and efficient operations.

(b) The question of re-composition is still under consideration by Government.

Shri Sidhva: The hon. Minister stated that the Committee recommended a subsidy of nine annas during the current year but I understood him say that Government have decided to give six annas. May I know whether the operation charges have been, as recommended by the Committee, brought down by these companies?

Shri Raj Bahadur: I think the question has to be replied in two parts. The recommendation of the Committee with regard to the subsidy from 1st October to 31st December 1951 was for nine annas per gallon of petrol, but the entire recommendations were to be subject to examination; the question of what would be the mode of payment of subsidy, whether it should be on *ad hoc* grant or should be paid on the consumption of petrol, is under consideration. As an *ad interim* measure, it has been decided that subsidy at the rate of six annas per gallon on petrol consumed should be granted.

Shri Sidhva: What about the second part of my question—operational charges?

Shri Raj Bahadur: It is too early to predict whether they have gone down or not.

Shri Sidhva: May I know what is the reason for the delay in giving effect to the recommendation of the Committee regarding re-composition of the Air Transport Licence Board, on which they laid great emphasis?

Shri Raj Bahadur: The Committee recommended that the Chairman of the Board should be a retired High Court Judge who should only receive an honorarium for nine months in the year and a salary for the remaining three months. It has not been found possible for us to get the services of a retired High Court Judge of suitable merits and calibre who would agree to the acceptance of these terms.

Shri Sidhva: Am I to understand that Government has accepted this recommendation of the Committee and the difficulty is only about finding the person?

Shri Raj Bahadur: The whole matter is under examination.

Shri Chattopadhyay: Is it the intention of the Government to give subsidies to such companies which are running at a profit?

Shri Raj Bahadur: No.

NIGHT MOBILE POST OFFICES

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

(a) on what basis night mobile post offices are working;

(b) whether they accept registered letters and money orders;

(c) what is the response to these mobile post offices from the public; and

(d) whether Government intend to extend its activities to other places and if so, where?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Night Mobile Post Offices are functioning at Madras, Nagpur and Delhi to meet the needs of the public for late hours of posting to catch the Night Air Mail.

(b) They accept Registered articles but not Money Orders.

(c) Very satisfactory.

(d) The question of opening Night Mobile Post Offices in the other two cities connected by the Night Air Mail, that is, Bombay and Calcutta, is under consideration.

Shri Sidhva: May I know, whether there is any difficulty in introducing money order system also at these mobile post offices? If not, will Government consider this proposal favourably?

Shri Raj Bahadur: There is not only difficulty, but some risk also involved in this. The night mobile post offices have to work till late hours in the evenings. The entire mails have got to be carried over long distances to air ports. The distance to cover is in many cases very large, extending from five to ten miles passing through jungles etc. We have to take special precautions to see that there is no meddling on the way. It has therefore been decided that money orders could not be accepted at these post offices, at the present moment.

Shri Sidhva: What are the working hours of these post offices?

Shri Raj Bahadur: They range from place to place. Generally it is between 5-15 P.M. to 10-30 P.M.

Shri Amolakh Chand: Does North Avenue come within the jurisdiction of the Mobile Post Office and if so what is the time when the Night Mobile Post Office arrives there?

Shri Raj Bahadur: I am sorry I do not know the exact beat of it.

Shri Bharati: The hon. Deputy Minister said in answer to part (c) that the response is very satisfactory. I would like to know the standards by which he has measured it to be very satisfactory.

Shri Raj Bahadur: By the number of letters received; from the number of transactions put through and the volume of business transacted.

May I just point out that at Nagpur 1949-50 monthly average services was

to the tune of Rs. 647: In 1950-51 it is Rs. 2,741. At Delhi on an average 180 Registered letters are being posted; Rs. 280 worth of postage stamps are purchased and about 7,500 letters are being posted in the night mobile post office daily.

Shri Kesava Rao: May I know whether there is any proposal to extend this night mobile post office to rural areas?

Shri Raj Bahadur: I have already answered that question.

PALM GUR INDUSTRY IN ANDAMAN AND NICOBAR ISLANDS

*939. **Shri Kesava Rao:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the scheme to develop Palm Gur industry in Andaman and Nicobar Islands has materialised; and

(b) if the answer to part (a) above be in the affirmative, what is the quantity of Palm Gur produced during the year 1950-51?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) 150 lbs.

Shri Kesava Rao: May I know whether it is a fact that the refugee families who have been settled in Andamans recently have taken to this industry? If so, what is the assistance which Government give them?

Shri K. M. Munshi: The industry as at present is in an initial stage and training centres have yet to be opened. I do not think I can give a definite reply to the question.

GANGES-DARJEELING ROAD

*940. **Shri S. N. Das:** on behalf of **Shri Jnani Ram):** Will the Minister of Transport be pleased to state:

(a) whether the Government of India have accorded financial sanction to the reconstruction of Ganges-Darjeeling Road;

(b) if so, the total cost of the same; and

(c) whether work has started and if so, the progress so far made?

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

(b) About Rs. 80.00 lakhs so far.

(c) Sections of this road aggregating 26 miles in length were reconstructed during the period 1949-51 at a cost of about Rs. 47 lakhs. Works estimated at about Rs. 33 lakhs are in progress in other sections aggregating about 75 miles in length. An expenditure of about Rs. 3.50 lakhs has been incurred on these works so far.

Prof. Ranga: When is it expected to

be completed?

Shri Santhanam: It is expected to be completed—at least so far as the works undertaken are concerned—by the end of this year.

Shri A. C. Guha: What will be the total length of the road?

Shri Santhanam: It will be 26 plus 75 miles.

Shri Sidhva: May I know whether it will be a metalled or asphalted road?

Shri Santhanam: It will be ultimately surfaced in a proper manner, because it is a national highway.

STATUTORY AND NON-STATUTORY BODIES

*951. **Shri S. N. Das:** Will the Minister of Railways 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 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 which are still functioning giving the date of their appointments and the time by which they are expected to finish their work?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). A statement containing the information called for is laid on the Table of the House [See Appendix VI, annexure No. 21.]

Shri S. N. Das: From the statement it appears that nine *ad hoc* committees appointed by the Ministry have submitted their reports. I would like to know which of the reports are still to be considered by Government?

Shri Santhanam: If the hon. member wants information about any specific report, I shall be prepared to answer. I cannot reply to a general question about all the nine committees.

Shri S. N. Das: It is said that nine *ad hoc* committees have submitted their reports. I would like to know which of the reports of the nine committees are still to be considered by Government?

Shri Santhanam:	
Joint Advisory Committee	All the recommendations have been disposed of.
Grainshop Enquiry Committee	Do.
Health, Sanction and Hygiene Committee and Railway Stores Enquiry Committee	Part of it has been adopted: part of the recommendations are under consideration.
Running Staff Pay and Allowances Committee	Disposed of.
Railway Workers Classification Tribunal	Decisions have been reached on all the recommendations.
Mathur-Neogy Committee for Marine Staff	Under consideration.
Vizagapatnam Port Enquiry Committee	All the recommendations have been disposed of.
General Rules Revision Committee	I am not sure I think the report under consideration

Shri Deogirikar: May I know whether there are such committees for the privately managed railways?

Shri Santhanam: I would require notice of the question.

METALLURGICAL COAL

*954. **Shri Barman:** Will the Minister of Railways be pleased to state:

(a) the quantity of metallurgical coal used at present by the Railways;

(b) whether there is any plan to reduce the consumption of metallurgical coal; and

(c) whether the locomotives manufactured at the Chittaranjan Locomotive Factory are being so designed as to use less metallurgical coal?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Approximately 1.4 million tons a year.

(b) Yes.

(c) Yes.

Shri Barman: May I know the amount of metallurgical coal that has been consumed last year as compared to the years when this plan was not adopted?

Shri Santhanam: It is a question as much of production as of consumption. If more metallurgical coal is produced and has to be disposed of, the railways have to take such coal. So it is not possible for me to compare the mere consumption.

Shri Barman: Have Government examined the possibility of totally eliminating the use of metallurgical coal

in engines of goods wagons?

Shri Santhanam: Yes. All our programmes are on the basis that all the new engines will be able to consume non-metallurgical coal. Of course, some of the older engines have not been so designed and for them we have to continue to use high grade coals.

Shri A. C. Guha: The hon. Minister has given the total figure of consumption of metallurgical coal. May I know what is its percentage to the total coal consumption?

Shri Santhanam: The railways are using 10 to 12 million tons of coal of which only 1.4 million tons are metallurgical coal. The hon. Member may work out the percentage.

POSTAL SAVINGS BANK ACCOUNT PASS BOOKS

*956. **Shri Raj Kanwar:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that entries on account of interest for the year ended 31st March 1951 in Postal Savings Bank Account Pass Books appertaining to the New Delhi Post Offices which under the rules ought to have been made by the 15th June 1951 have not yet been made as the interest statement has not been received from the Deputy Accountant-General, Posts and Telegraphs;

(b) if so, when such entries will be made;

(c) whether similar delay had occurred last year also and has also occurred in places other than New Delhi; and

(d) if so, what steps Government propose to take in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). According to the usual practice, the work of making the entries relating to interest in the pass books is taken in hand from about the middle of June every year. The interest statements pertaining to New Delhi Post Office were despatched by the Deputy Accountant-General, Posts and Telegraphs, Delhi, on the 20th June, 1951, and the work of posting the interest in the Savings Bank ledgers and in the Pass Books is taken up and continued as and when they are presented.

(c) Yes, due to the continued effects of dislocation of work arising from the Partition.

(d) From this year normal practice has been restored and, as laid down in the rules, interest statements will be ready by June every year.

PRINCESS ABIDA SULTANA OF BHOPAL

*957. **Shri Kamath:** Will the Minister of States be pleased to refer to the answer given to Starred Question No. 505 asked on the 25th August, 1951, and state:

(a) whether a list of the property of evacuee Nawabzadi Abida Sultana of Bhopal has been prepared;

(b) if so, the total value of the evacuee property; and

(c) whether it is a fact that she had transferred or disposed of any part of her property before she left India and if so, how much that property was worth?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) A list of the property of Nawabzadi Abida Sultana of Bhopal, so far discovered, has been prepared. Enquiry regarding other property is proceeding.

(b) Rs. 1,12,000. Also four Jagir villages which have been resumed by the Administration.

(c) Property worth Rs. 7.5 lakhs was disposed of, and a sum of Rs. 8,83,000 transferred to Pakistan, before she left India.

Shri Kamath: In answer to part (a) of the question I think the Minister stated that some property has been discovered. Did I hear him aright?

Shri Gopalaswami: I said "so far discovered".

Shri Kamath: Is there much property still to be uncovered?

Shri Gopalaswami: That will be known only after further discovery takes place.

Shri Kamath: The answer to the last part of the question referred to property worth Rs. 8 lakhs or so transferred to Pakistan. What is the information with the Minister about the property transferred to Pakistan? When was it transferred to Pakistan? How long ago did she leave India?

Shri Gopalaswami: That was transferred before she left India. I think it must be over eighteen months to two years ago.

Shri Kamath: Was it transferred to private persons in Pakistan or to the Pakistan Government?

Shri Gopalaswami: The property was transferred to Pakistan. I do not think she made it over as a gift or otherwise to any other person. I dare say she is the owner of that property still.

Shri Kamath: Was it movable property?

Shri Gopalaswami: Yes, it must have been cash.

Shri Sidhva: Was she declared an "intending evacuee" before she left India and disposed of the properties?

Shri Gopalaswami: No, she was not declared an "intending evacuee", but after she went and settled herself in Karachi a notice was sent to her to show cause why she should not be declared an evacuee.

Shri A. C. Guha: The hon. Minister stated that she remitted about Rs. 8 lakhs or something like that. But how was the money sent? Was it permissible under the law to send such a huge amount out of India?

Shri Gopalaswami: I do not think at that time there were restrictions on the transfer of such properties from India to Karachi.

Shri A. C. Guha: About what time was it?

Shri Gopalaswami: I should like to have notice of that.

Sardar Hukam Singh: May I know whether Government learnt of this transfer to Pakistan after the Sultana had left India or whether that knowledge was with the Government before she left?

Shri Gopalaswami: I can only guess, I am not in a position to say anything definitely. I think it should have been discovered after she had gone.

Shri Amolakh Chand: When it was discovered that Sultana was transferring her money and was intending to leave for Pakistan, may I know why she was not declared an "intending evacuee"?

Shri Gopalaswami: I do not think the law about "intending evacuees" had come into existence when this transfer took place. That is only, again, what I consider is probably the fact.

Shri Kamath: The Minister stated that though she had transferred nearly Rs. 8 lakhs worth of property to Pakistan she still remains the owner of the property and he further said it is cash and not immovable property. How can she be the owner of cash property when it has been transferred to somebody else in Pakistan?

Shri Gopalaswami: I did not say it was transferred to somebody else. There are banks in both places. If she had money in deposit in a bank in India and she transferred it to Paki-

stan, that money might still be in her name in Pakistan.

Mr. Deputy-Speaker: Next question.

Shri A. C. Guha: From this answer shall I understand that the banks in India can thus send money outside?

Mr. Deputy-Speaker: I have already called the next question.

LANDING GROUND AT RAJPIPLA

*959. **Shri V. B. Vaidya:** Will the Minister of Communications be pleased to state:

(a) whether the landing ground (for aeroplanes) at Rajpipla (District Broach) has been taken over by the Government of India;

(b) in what condition that landing ground is at present;

(c) whether it is kept as a landing ground or is otherwise utilized; and

(d) what Government propose to do with that landing ground in view of the fact that there is no air service for Rajpipla?

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

(b) and (c). The landing ground belongs to the Bombay Government and is maintained by that State in a serviceable condition. It is used for local communication purposes only.

(d) Does not arise.

LANDING GROUNDS

*960. **Shri V. B. Vaidya:** Will the Minister of Communications be pleased to state:

(a) how many landing grounds there were in the Princely States which have now been merged with the adjoining States;

(b) whether the Government of India propose to maintain any of them and if so, how many and which; and

(c) what Government propose to do with the rest of them?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). There were fifteen civil aerodromes in the former Princely States which have merged with adjoining States. Of these, three, namely, Baroda, Kolhapur and Palanpur, which are of national

importance are maintained by the Government of India. The remaining twelve which are not of importance from the point of view of Civil Aviation in the Country as a whole are still under the control of the States Governments concerned whose responsibility it is either to maintain them for the purpose of local communication or abandon them.

HOLDINGS IN INDIA

*961. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state:

(a) the size of the smallest holding in India;

(b) the size of the largest holding in India;

(c) whether the tendency towards further fragmentation of holdings has been arrested during the last four years, or whether it has aggravated;

(d) in which States consolidation of holdings has taken place and is progressing;

(e) whether there is any estimate of the total number of landless agricultural labourers in India; and

(f) if so, what it is?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The information required by the hon. Member is not available. However, a statement showing the distribution of holdings according to size in certain States is placed on the Table of the House.

(c) No survey has been conducted to study the variations in the tendency regarding fragmentation of holdings during the past few years. The factors tending towards subdivision and fragmentation of holdings are still at work, though measures to check their influence have already been undertaken in certain States.

(d) Bombay, Madhya Pradesh, Punjab, Uttar Pradesh, Assam, P.E.P.S.U., Jammu and Kashmir and Delhi. The process of consolidation has however not been completed in any of these States so far.

(e) and (f). The information required is not available.

STATEMENT

Distribution of holdings according to size in certain States

	Bombay	Madras	Punjab	U.P.	Bengal	My.sore	Assam	Orissa
Average size of holding (acres)	13.3	45	10.0	2.5	4.4	6.2	4.8	4.9
Percentage of No. of holdings under 5 acres to the total	41.9	82	63.7	81.2	71.3	65.9	66.4	79.2
.. under 10 acres .	60.9	89	80	93.9	88.3	86.7	87.4	89.6
.. under 15 acres .	72.5	N.A.	87.9	N.A.	N.A.	N.A.	N.A.	94.3
.. under 25 acres .	85.2	N.A.	93.7	99.1	N.A.	N.A.	N.A.	97.8

Shri Kamath: In answer to part (c) of the question the Minister has stated that measures to check subdivision and fragmentation of holdings have been undertaken in certain States. What are those measures which have been undertaken so far, and undertaken successfully?

Shri K. M. Munshi: Acts for consolidation of holdings have been passed in Bombay, Madhya Pradesh, Punjab, Uttar Pradesh, Jammu and Kashmir, P.E.P.S.U. and Delhi States. Moreover, powers for consolidation of holdings have also been given to *panchayats* in Assam under the Panchayat Act. These Acts also impose restrictions on further fragmentation in the States of Bombay, Punjab and P.E.P.S.U. Government can declare, in any local area, a certain area as "standard area", creation of holdings below which shall not be permitted. Further transfers and alienations are regulated for this purpose. The Panchayat Act in Assam also gives such powers to the *panchayats*. There is a similar provision in Hyderabad under the Hyderabad Tenancy and Agricultural Land Act, 1950. Minimum limits are also proposed to be laid down for holdings in certain States like U.P., Madhya Bharat and Hyderabad under the Land Reforms Acts. Co-operative farming is being encouraged in every respect. A certain measure of compulsion is also applied in certain States with respect to co-operative farming. The States are Bombay, U.P. and Hyderabad, provided the majority of holders holding certain specified percentage of the area in the village agrees to form a co-operative farming society. These are some of the measures which are adopted.

Shri Kamath: To what extent is the effect of the law of inheritance felt on the fragmentation of holdings?

Shri K. M. Munshi: The forces which lead to subdivision and fragmentation are so powerful that I would not call the progress as satisfactory at all.

Mr. Deputy-Speaker: The division is going up at such a rapid pace.

Shri Kamath: I was referring to the effect of the law of inheritance.

Shri K. M. Munshi: The law of inheritance is one of the factors which lead to subdivision and fragmentation. These measures which I have mentioned are intended to be a protection against it but as I said the laws, the habits, the customs and even public opinion is such that it leads to further subdivision and fragmentation.

Dr. Deshmukh: With reference to reply to part (b) of the question, may I know if the hon. Minister has made any inquiries from the Planning Commission in this respect so as to find out the estimate of the total land with the agriculturists? Has the Planning Commission got any figure?

Shri K. M. Munshi: I am not aware whether the Planning Commission had made an inquiry or not but it has paid considerable attention to this question and that is found from the report.

Shri S. N. Das: May I know the steps taken by the Central Government by way of sending instructions or directions to the various State Governments to bring about the consolidation of holdings in the various States?

Shri K. M. Munshi: Instructions have been given to the States to encourage co-operative farming and to have associated farms wherever they can be formed. This is so well known that no direction is necessary.

Shri T. N. Singh: The hon. Minister has stated that a certain amount of compulsion is used in consolidation of holdings through co-operative societies. May I know what is the nature of compulsion used?

Shri K. M. Munshi: That is it prevents subdivision and fragmentation and sometimes by provision of law certain fragmented areas could be brought together.

Shri T. N. Singh: May I know whether there is legislation in U.P. which prevents fragmentation?

Shri K. M. Munshi: I would like to make enquiries from the U.P. Government before I can answer that question.

Shri Kamath: In the statement laid on the Table of the House, the hon. Minister has given the average size of holding in U.P. as 2.5 acres. What are the factors that have conspired to make the holdings very small in U.P. as compared to the other provinces?

Shri K. M. Munshi: One is the population pressure and secondly the land is fertile.

Shri Kamath: The hon. Minister has further given the size of holding up to 25 acres and under. Am I to understand that no serious attempt has been made by Government or the Planning Commission to obtain statistics or figures with regard to holdings above 25 acres or the smallest holding?

Mr. Deputy-Speaker: Some people have got one cent.

Shri Kamath: What about holdings above 25 acres?

Shri S. C. Samanta: May I know what feasible suggestions has the hon. Minister given or intend to give to meet the fragmentation of lands which will take place when the Hindu Code Bill will be passed?

Shri K. M. Munshi: It is only when the Hindu Code is passed and I know the form in which it is passed that I will consider the question. I cannot answer it now.

Shri Kamath: Apart from the fertility of the soil in U. P. what are the other factors that are making U.P. lead in division and fragmentation?

Shri K. M. Munshi: As I pointed out there are several factors.

- (i) Pressure of population on land;
- (ii) Lack of alternative avenues of employment for the growing number of cultivators;
- (iii) Laws and customs of inheritance of property which permit or compel division among the heirs of all types of land owned by their predecessors;
- (iv) Lack of liquid capital or credit facilities which would have enabled any one heir to obtain the entire property and compensate his co-heirs in respect of their share of the estate;
- (v) Land laws and customs which permit transfers of land without restrictions; and
- (vi) Social prestige attached to ownership of land irrespective of the profits accruing from lease rights of ownership.

These are the exhaustive reasons.

Shri Kamath: Is this social prestige in U.P.?

Shri K. M. Munshi: No. All over the country. I think the U. P. people are exactly on the same lines as the people of other states, no better and no worse.

Shri T. N. Singh: May I know whether Government are taking any steps to relieve pressure of population in the eastern parts of U. P. with a view to resettlement of these people in the new tractorized regions?

Mr. Deputy-Speaker: We are now going away from holdings to population.

Shri K. M. Munshi: I am afraid there are no vacant spaces in India for the U.P. people.

Shri Deshbandhu Gupta: Is there any proposal under the consideration of the Government to expand the territory of U.P.?

Shri K. M. Munshi: Not under the Central Government. Perhaps the U.P. Government might have an idea but that is another matter.

Shri Kamath: Has the question of consolidation of holdings been referred to the Planning Commission at all?

Shri K. M. Munshi: They have dealt with it in their report. The Planning Commission has already referred in their draft report to the question of fragmentation, consolidation and co-operative farming.

DIVERSION OF LAND FROM FOOD CROPS TO COTTON AND JUTE CROPS

*942. **Shri Krishnanand Rai:** Will the Minister of Food and Agriculture be pleased to state:

- (a) the total acreage of land that is being diverted from food crops to jute and cotton crops in 1951-52;
- (b) the deficit in food production that is expected to be caused due to this Scheme;
- (c) the States in which land under food crops is being diverted to the Commercial Crops; and
- (d) whether Government have got any scheme to make up the loss in production by the Scheme?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b).

	Estimated diversion from food-grains (Lakh acres)	Estimated loss in food-grains (000 tons)
Jute	2.8	78
Cotton	15.0	3.2

(c) Assam, Bihar, Orissa, West Bengal, Bombay, Madhya Pradesh, Madras, Punjab, Uttar Pradesh, Hyderabad, Madhya Bharat, Mysore, Pepsu, Rajasthan, and Bhopal.

(d) Until intensive cultivation can be undertaken on a sufficient scale for making up the loss due to diversion of land to jute and cotton, it is proposed to import foodgrains from abroad for replacement of such losses.

Shri Krishnanand Rai: May I know whether by this diversion of land under food crops to commercial crops, the Government is going to be self-sufficient in cotton and jute?

Shri K. M. Munshi: The present plan is to raise fairly sufficient crops. If the hon. Member wants figures, I will give.

Shri Ghule: May I know to which commercial crops the land is being diverted from foodgrains in Madhya Bharat?

Shri K. M. Munshi: I am not very sure about jute; I think it must be cotton.

Shri T. N. Singh: In the area so diverted to commercial crops, specially to cotton, may I know whether any long staple cotton is also being grown and if so what is the extent?

Shri K. M. Munshi: As far as possible, Government of India encourages the growth of highly specialised varieties.

Shri Barman: What is the acreage in West Bengal that has been diverted to other crops?

Shri K. M. Munshi: In West Bengal, jute is 1 lakh acres. For cotton, there is no diversion at all.

Shri B. K. Das: May I know whether the hon. Minister is in a position to say whether this diversion is justified by the production?

Shri K. M. Munshi: It is very much justified. It is part of the integrated production programme under which production in all the three commodities have to be encouraged.

Shri Krishnanand Rai: May I know whether the Government still stands by its promise to attain self-sufficiency in food in 1952?

Prof. Ranza: There is no such thing.

Shri K. M. Munshi: I have answered that question on the last occasion. It has been answered by the Planning Commission's report. I am quite willing to repeat it once again that self-sufficiency standard according to the Grow more standard will possibly be attained at the end of March 1952. As regards self-sufficiency in the other sense of not having to import at all, if the hon. Member has read the Planning Commission's report, he will find that for five years considerable quantities of imports have been envisaged.

Shri Sarangdhar Das: May I know if, in regard to diversion of land from food crops to jute in Bengal and Orissa, it has been considered that in certain lands, paddy is grown after the jute crop has been collected and whether loss of production has been calculated on that basis?

Shri K. M. Munshi: I am not able to follow the question.

Shri Sarangdhar Das: I may explain. In Bengal and Orissa, in certain lands, jute crop is collected and then paddy is grown. That is not loss to area under food crops. Has that been taken into consideration in calculating the loss of area under foodgrains?

Shri K. M. Munshi: As a matter of fact, in calculating diversion, we have taken into account certain areas where even two or three crops are taken. Attempts are being made to encourage the growing of three crops in certain places in order to minimise the loss of food.

Shri Amolakh Chand: May I know if it is possible for the hon. Minister to state the acreage now brought under jute and cotton respectively in the UP?

Shri K. M. Munshi: I have not got total acreage.

Shri Sidhva: The hon. Minister stated that there shall be self-sufficiency by February 1952, but as far as imports are concerned, they will continue for five years. May I know the difference between the two? How can you call it self-sufficiency when you have to continue imports for five years?

Shri K. M. Munshi: I have said it over and over again;—it has been stated by the Prime Minister;—that self-sufficiency in food means that we must import wherever we have got diversion of land under food crops to cash crops of national importance, where reserves have to be built up or where calamities befall. That has been announced so far back as August 1951, if I remember aright, in his broadcast by the Prime Minister. I have said that a dozen times?

Shri Sondhi: August 1951?

Shri K. M. Munshi: August 1950; I am sorry.

Shri Sidhva: Is that the meaning of self-sufficiency?

Shri A. C. Gaha: May I know whether the increase in jute production has been proportionate to the increase in the acreage for jute cultivation?

Shri K. M. Munshi: Oh yes; that is so. I think this time our anticipations have been proved to have been to some extent correct and there will be a very good crop both in cotton and jute.

Shri Shiv Charan Lal: May I know whether shortage of rain this year will affect the time put in for self-sufficiency?

Shri Sidhva: There is no such thing as self-sufficiency.

Mr. Deputy-Speaker: Next question.

Shri K. M. Munshi: Because we do not despair of having some rains, it will be hypothetical to give an answer. It is cloudy overhead.

Mr. Deputy-Speaker: The hon. Minister will answer only those questions that arise out of this question.

Dr. Deshmukh: He cannot resist the temptation.

SURVEY OF TREE-LESS TRACTS

*943. **Shri Krishnanand Rai:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have made any survey of the specific regions in the country that lack trees; and

(b) if so, whether under *Vana-mahotsav* Scheme trees are planted in these tree-less tracts?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No. The cost of a survey of the kind contemplated would be incommensurate with the results that might be achieved.

(b) Trees are planted by private individuals and Government Departments on lands under their control and which are generally devoid of trees. It is not desirable to confine tree planting to tree-less tracts alone.

Shri Krishnanand Rai: May I know whether the *Vana mahotsav* organised by the Government for the last year or two was on a propaganda basis or was it on a planned basis with consideration for tree-less tracts?

Shri K. M. Munshi: It was both planned and publicity.

Shri Sidhva: The hon. Minister stated that 25 per cent. of the trees planted during *Vana mahotsav* have not been found alive. May I know whether it is merely guess or whether an actual survey has been made?

Shri K. M. Munshi: So far as 1950 is concerned, the States have reported the planting of 4,31,00,000 trees. With a view to make it a conservative estimate, three crores were taken. They have reported how many have survived.

Shri Sidhva: On what basis?

Shri K. M. Munshi: They have reported. It cannot be house to house counting, you can take it from me. But, that is done on the most conservative estimate.

Shri Sidhva: So it is a guess.

Shri Krishnanand Rai: May I know in what tree-less areas trees have been planted during the last year?

Shri K. M. Munshi: As a matter of fact, the attempt has always been to plant trees in the compounds of Government officials, Government departments or institutions, private institutions, Universities, and Public Works Road where they could be looked after. People have also been asked to plant trees in their own private grounds.

Shri Krishnanand Rai: May I know whether the Government has attempted to plant trees in the deserts of Rajasthan and other such tree-less tracts?

Shri K. M. Munshi: As a matter of fact, the most serious menace arising from soil erosion comes from the Rajasthan deserts. A plan has been prepared for afforestation in Rajasthan to stop erosion.

Shri Radhelal Vyas: May I know whether the Government is aware of the fact that along with planting new trees, cutting on a large scale of old trees has been going on in the country and if so what steps does Government propose to take to check it?

Shri K. M. Munshi: No one knows better than me that old trees are being cut down on a large scale. The people are not tree-minded. The officials do not enforce the forest laws as rigorously as they used to do before. Princes and *Jagirdars* and various people who have to part with their properties take care to sell the trees and make money.

Shri Ghule: May I know whether in the planntd scheme of *Vana mahotsav* there is any plan for planting particular varieties of trees?

Shri K. M. Munshi: Yes. People are asked to plant fruit bearing trees, and trees whose leaves could be used as manure.

Shri Kamath: Is it a fact that the hon. Minister has become so passionately devoted to *Vana mahotsav* that latterly he has taken to signing himself as 'yours treely' and not 'yours truly'?

Shri K. M. Munshi: Mr. Deputy-Speaker, do you want me to answer this question?

Mr. Deputy-Speaker: No.

Shri Kesava Rao: May I know whether it is not a fact that when tree plantation is going on all over the country, trees are cut in the Parliament lawns?

Shri K. M. Munshi: I do not know whether they are cut in the Parliament laws. I will make enquiries.

Shri Sidhva: The hon. Minister stated that the officers do not observe the rules in stopping the cutting of trees. May I know whether any steps have been taken in asking the officers to observe the rules?

Shri K. M. Munshi: I have received serious complaints from many parts of the country that district and other officers are not as rigid in enforcing the laws against tree cutting as they were before.

Mr. Deputy-Speaker: Next question. Pandit Munishwar Datt Upadhyay is Absent.

Shri Lakshmanan: The hon. Minister may be directed to answer that question, Sir. Under rule 42 (3), if on a question being called it is not put or the member in whose name it stands is absent, the Speaker at the request of any Member may direct that the answer to it be given. I request that the hon. Minister may be directed to answer that question.

Mr. Deputy-Speaker: Which question?

Shri Lakshmanan: Question No. 944.

Mr. Deputy-Speaker: Yes. There seems to be keen interest among the Members.

LAND ARMY

*944. **Mr. Deputy-Speaker** (on behalf of **Pandit Munishwar Datt Upadhyay**): (a) Will the Minister of Food and Agriculture be pleased to state what is the main agency of Government to organise land army in States?

(b) What is the paid official cadre entrusted with the organisation as whole-timers?

(c) What is the total number of land army personnel organised in each State separately?

(d) What is the estimated expenditure on this Scheme and how much has been spent up to the end of July, 1951?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) State Departments of Agriculture.

(b) Under the Director of Agriculture in each State there will be a whole-time Director of Extension who will be in charge of the different items

of Agricultural extension work, including the organisation of the land army. In addition, an Extension Commissioner has been appointed at the Centre and attached to the Indian Council of Agricultural Research who will coordinate the extension work throughout the country.

(c) The movement is just beginning. Figures reported so far are:

Delhi, 235.

Bombay, 450.

West Bengal, 100.

Figures in respect of other States are not yet available.

(d) Estimates of cost are yet awaited from the State Governments. The intention however, is that the land army should consist of volunteers without payment. The States and the Centre would bear the cost of their training on 50:50 basis.

Shri Jnani Ram: May I know what is the estimate of the work which the land army has done so far in the different States?

Shri K. M. Munshi: The hon. Member will realise that merely because a plan of a land army is being prepared the land army does not begin to function. We are not spending crores of rupees on this land army. All the work is done at the higher levels to study the possibility of organising a thing of this nature. Wherever people are enthusiastic and/or agricultural institutions take up the matter, students are trained to go to the villages to do the class of work of the nature of expansion. These are the only activities I found at present I have been touring among the States and discussing the question. If people suppose that a land army can grow as fruit on a tree, then they are mistaken.

Shri Krishnanand Rai: Has any detailed scheme of the organisation of the land army been sent by the Central Government to the State Ministries of Agriculture?

Shri K. M. Munshi: The detailed scheme has already been sent and several States have appointed their Directors of Expansion to give effect to it. But the first thing is to get the Directors of Expansion together in a seminar to study the whole system.

Shri Amolakh Chand: Which are the States in which the land army has begun to be recruited?

Shri K. M. Munshi: I have mentioned three States of which I have information. I do not have figures about the others.

Shri Sondhi: I would like to know what has been the response to the recent circular issued by the hon. Minister to the hon. Members and the Ministers to join the land army?

Shri K. M. Munshi: Several Members of Parliament showed considerable enthusiasm. They were asked to contact the Ministers of Agriculture of their respective States. I do not exactly know what response they got.

Shri Shiv Charan Lal: Does the Government know that the Uttar Pradesh Government, instead of organising a separate land army has entrusted this work to the *Prantiya Raksha Dal*?

Shri K. M. Munshi: Yes. Discussions with the Uttar Pradesh Government showed that the Uttar Pradesh Government has got already in existence an apparatus which can do this work. If that is so, there need be no separate body for this purpose.

Shri Shiv Charan Lal: Has the Government of India received so far any report of what work the *Prantiya Raksha Dal* has done in this direction?

Shri K. M. Munshi: I have not got the information.

Dr. M. C. Reddy: What is the total strength of the land army already recruited in the different States?

Shri K. M. Munshi: I have already given the information about some States that I have. As regards the others, the figures are not available.

Shri Karunakara Menon: May I know, Sir, what are the items of work that this land army is expected to carry out?

Shri K. M. Munshi: The programme of work would include simple items of work, including the following: planting of trees and their maintenance, composting, growing vegetables, simple methods of pest and disease control, protection from wild animals, eradication of weeds, consolidation of holdings where possible, tank improvement, *merh bandi* digging drainage channels, fish culture, crop competition scheme, immunisation of cattle from rinder pest.

Shri Sidhva: The hon. Minister stated that crores of rupees are not being spent on this organisation. May I know what exactly has been spent so far and how much is proposed to be spent?

Shri K. M. Munshi: Well, so far only some part of the amount given to the Ministry has been used for this purpose—no expenditure so far at all. Only the post of Commissioner of Expan-

sion has been created here, and some sundry expenses incurred. And I cannot say at present what the expenditure will be.

Shri Sidhva: Are not estimates prepared?

Shri K. M. Munshi: Unless the plan is complete how can there be an estimate?

REHABILITATION OF RAILWAYS

*946. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Railways be pleased to state the expenditure actually incurred during the months of May, June and July, 1951 out of the provision made for the rehabilitation of Indian Railways?

(b) What portion of the said expenditure was incurred on purchases of stock in foreign countries?

The Minister of State for Transport and Railways (Shri Santhanam): (a) No separate accounts are kept in regard to the expenditure on Rehabilitation of Indian Railways.

(b) Does not arise.

Shri Kishorimohan Tripathi: What is the number of locomotives, waggons and coaches that the Railway administration propose to purchase during this financial year and ...

Mr. Deputy-Speaker: This was answered only the day before yesterday.

Shri Kishorimohan Tripathi: For what part of these things has the order been already placed?

Mr. Deputy-Speaker: Even that was answered. Hon. Members should remember what has already happened in the House.

RE-GROUPING OF RAILWAYS

*947. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Railways be pleased to state the progress so far made in the matter of re-grouping Indian Railways?

(b) What is the effect of re-grouping either on Commerce or Industry or the working of the Railways?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The Indian Railways are to be re-grouped into 6 Zones and one of the Zones, viz. the Southern Railway, has already been formed. It is now proposed to proceed with the formation of the Western and the Central Railways. Details in this connection are being worked out and will be placed in the near future before the Central Advisory Council for Railways for approval.

(b) Regrouping aims at providing better facilities to Commerce or Industry so far as their dealings with Railways are concerned and at more efficient working of the Railways, it is however too early to judge how far these objectives have been secured on the regrouped Southern Railway.

Shri Kishorimohan Tripathi: Can the hon. Minister indicate to what extent economies if any, have been affected as a result of this re-grouping of the Railways?

Shri Santhanam: Yes. There has been economy in the higher staffs in the Southern Railway. As regards operational efficiency, naturally it is a matter on which it will take some time for us to make accurate estimates.

Shri Kishorimohan Tripathi: Has the efficiency cost come down?

Shri Santhanam: To the extent there has been saving on headquarter staff it has come down.

UNSERVICEABLE ARTICLES WITH RAILWAYS

*948. **Shri Kishorimohan Tripathi:** Will the Minister of Railways be pleased to state the value of stocks held by Indian Railways which are unserviceable?

The Minister of State for Transport and Railways (Shri Santhanam): The total value of unserviceable stocks of stores, inclusive of scrap, held by Indian Railways on 31st March 1951 is estimated at Rs. two crores.

Shri Kishorimohan Tripathi: How do Government propose to dispose of this stock?

Shri Santhanam: There is a regular procedure for the disposal of such stocks, by advertising them, calling for tenders and all that, unless they are utilised for other purposes.

Shri Karunakara Menon: May I request the Deputy-Speaker to ask the hon. Minister to answer question No. 950?

Mr. Deputy-Speaker: The question can be allowed to be put if the hon. Member has got a letter of authority from the absent Member.

Shri Karunakara Menon: Of course, under the rules.....

Mr. Deputy-Speaker: And I was under the impression that he had the authority.

MECHANISED AGRICULTURE

*952. **Shri M. Naik:** (a) Will the Minister of Food and Agriculture be pleased to state how many States have participated in the six-weeks training course in mechanised agriculture conducted under the auspices of the Indian Agricultural Research Institute?

(b) Has any scheme been formulated by Government to mechanise the country's agricultural industry?

(c) What is the possible date by which the scheme is going to be made operative?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Nine States and the Central Water and Power Commission are participating in the course. 27 students are under training.

(b) and (c). Not yet. The matter is under the consideration of the Planning Commission.

Short Notice Questions and Answers

FOODGRAINS FOR WEST BENGAL

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

(a) Whether it is a fact that less than 50 per cent of the cereal allotment from the Central Government have so far been supplied to West Bengal;

(b) the total rice allotment for the State and the total quantity supplied so far;

(c) whether it is a fact that the stock of foodgrains with the West Bengal Government is low now;

(d) whether the rice contents of per capita ration has been reduced to seer; and

(e) whether the 25 per cent. cut in ration is likely to be restored soon?

I would like to state here that this question was given notice of on the 22nd August and it is being answered by the hon. Minister on the 11th September. While giving his figures he may also take into consideration the time lag.

The Minister of Food and Agriculture (Shri K. M. Munshi): The question could not be answered because I was myself visiting West Bengal at that time. Unless I knew the conditions obtaining there firsthand there was no meaning in my answering the question. I thought it was much better to know the facts firsthand and

give the Parliament the benefit of them.

(a) No. Against the increased ceiling quota of 5 lakh tons for 1951, actual deliveries up to the end of August amounted to 278,000 tons.

(b) The total quota is 30,000 tons. Actual deliveries up to the end of August amounted to 16,000 tons.

(c) The stock position is not comfortable. On 26th August, the total stocks with West Bengal Government amounted to 68,200 tons only. The position is expected to improve with the large supplies now going to them.

I may add here that after the answers were written certain supplies were sent to the West Bengal which makes the position not so precarious.

(d) Yes.

(e) Yes, with effect from 10th September, 1951.

Shri A. C. Guha: Is it true that out of the total allotment of 5,75,000 tons up to the end of August only 278,000 tons had been supplied to West Bengal?

Shri K. M. Munshi: That is my answer that out of a total allotment of 5 lakh tons 278,000 tons was supplied up to the end of August 1951.

Shri A. C. Guha: What is the total import of rice this year?

Shri K. M. Munshi: About 9 lakh tons. I am speaking subject to correction.

Shri A. C. Guha: Am I to understand that out of the total import of 9 lakh tons only 16,000 tons of rice was given to West Bengal? According to my information up to the date when the question was given notice of only 11,000 tons had been supplied to West Bengal, which is pre-eminently a rice-consuming area.

Shri K. M. Munshi: West Bengal is a rice-producing area. During 1951, 30,000 tons of rice were allotted to it compared to 21,000 tons in 1950. There is no possibility of giving more allotment or raising the allotment of rice substantially because of the difficulties in all the rice-consuming areas.

Shri A. C. Guha: Is it true that in non-rationed or partially rationed areas the price of rice has risen to more than Rs. 50 per maund?

Shri K. M. Munshi: I cannot say exactly but there is no doubt that when substantially well-to-do people want rice at any cost they go to the black or free market and buy it at a heavy price. Because there is a rush

on the limited quantity available in the market the price naturally goes.

Shri A. C. Guha: Is the hon. Minister aware that in non-rationed areas in West Bengal practically no wheat is available and hence people have to purchase rice whatever might be the price?

Shri K. M. Munshi: I do not think it is correct. Even in non-rationed areas modified rationing has been introduced as also cheap grain shops. It is not correct to say that there is no wheat nor milo. There is no rice available in the market except at a high price: that is a fact.

Shri A. C. Guha: What is the total area under rationing and partial rationing systems? Is it not true that even in the partially rationed areas...

Shri K. M. Munshi: If the hon. Member wants the latest figures I will require notice.

Mr. Deputy-Speaker: These questions should be put in the West Bengal Assembly. Is there no legislature there?

Shri A. C. Guha: It is the Central Government which supplies the food-grains to the provinces.

Shri K. M. Munshi: There are 45 lakhs of people under government rationing. That is the figure up to the 16th August.

Shri A. C. Guha: Is it true that in the partially rationed areas no cereal is supplied but only sugar is supplied?

Shri K. M. Munshi: I do not think it is correct.

Mr. Deputy-Speaker: Let me state here the position clearly. Food and Agriculture are by accident central subjects and on account of the extraordinary circumstances in the country they have been taken up as central subjects. But there are provincial legislatures and questions like these can better be answered there and not here. I agree that in relation to an overall picture questions like what should be the allotment to West Bengal, why the allotment was not made, what are the difficulties involved in it should certainly form the subject matter of questions here. But going into particular details such as relating to a district like Colmbatore in Madras or a particular district in West Bengal would not be appropriate in this House.

Prof. Ranga: He has not mentioned the name of any particular district. Rationed and non-rationed or partially

rationed areas are huge regions, in regard to which the Central Government has undertaken special responsibilities. If it is possible to give information relating to them the Central Government should be willing to give it.

Shri K. M. Munshi: Even so the Essential Commodities Act is a Central Act. I cannot be expected to have with me figures which are not strictly pertinent to the question asked.

Shrimati Renuka Ray: If the Central Government does not supply the requirements of the provinces in full how can the provinces restore the rations?

Mr. Deputy-Speaker: Members may put questions whether the supply was adequate or inadequate but I do not think questions relating to details of administration can be put here.

Shri A. C. Guha: The Minister said that out of an allotment of 30,000 tons of rice only 16,000 tons have been sent. How can the provincial Government be expected to restore the full ration?

Mr. Deputy-Speaker: I have no objection to such questions.

Shri Kamath: On a point of procedure, rule 45 states:

"A question relating to a matter of public importance may be asked with shorter notice than ten clear days."

A short notice question envisages an answer within ten clear days. According to the Member's statement this short notice question has taken more than three weeks to be answered.

Mr. Deputy-Speaker: The hon. Member was not evidently attentive. The rule relates only to the period of notice of the question and it is open to the Minister to accept short notice or not. In this particular case the Minister was touring West Bengal to know conditions firsthand, so that he could give his answer with personal knowledge and the Parliament may also be benefited by it. Care is always taken to see that these questions are answered as early as possible.

DERAILMENT OF SHAHDARA-SAHARANPUR RAILWAY

Shri S. N. Das: Will the Minister of Railways be pleased to state:

(a) the circumstances in which No. 8 Down train from Saharanpur derailed near Delhi on the 3rd September, 1951;

(b) the number of persons died and injured;

(c) the number of goods and passenger bogies involved?

(d) whether the train was crowded or was carrying normal passengers;

(e) what were the relief measures taken promptly;

(f) when the communications were restored;

(g) the speed of the train when it derailed;

(h) whether all the dead bodies have been identified;

(i) the estimated loss to the Railway;

(j) when the line was last inspected; and

(k) whether the Railway Inspector had begun his enquiry?

The Minister of State for Transport and Railways (Shri Santhanam): (a) At about 7.45 hours on 3rd September, 1951, No. 8 Down Mixed train proceeding from Saharanpur to Delhi Shahdara, while running between Gotra and Noli stations, derailed at mile 7/4-2. The circumstances leading to the derailment are now under enquiry by the Government Inspector of Railways.

(b) Eleven persons died and 22 received injuries of which seven were serious.

(c) Four loaded goods wagons, two four-wheeler and three bogie passenger carriages.

(d) The train was full and slightly overcrowded.

(e) First aid was rendered to the injured at site by the Guard of the train and a Doctor who was travelling in it. They were also attended to by a Doctor, from Loni village nearby, who arrived at the site at about 8.40 hours. Two Relief trains with doctors, medical equipment, etc., arrived at the site at about 10.20 and 10.45 hours respectively. All the injured after due attention were taken to Shahdara by 11.25 and removed from there immediately, by Ambulances and cars to the Irwin Hospital, where they were admitted by 12.30 hours. Whilst the injured were being attended to, the extraction of the bodies from the wreckage was simultaneously carried out.

(f) At 6.55 hours on 4th September, 1951, i.e. in about twenty-three hours from the time of the occurrence.

(g) The finding of Government Inspector *inter alia* in respect of speed is awaited.

(h) Out of the eleven dead, nine have been identified.

(i) The approximate cost of damage to rolling stock and permanent-way is Rs. 30,000.

(j) By the Assistant Permanent Way Inspector on 1-9-1951. The Mate

of a gang No. 2 trolleyed over the section about half an hour prior to the accident in the normal course of his duties.

(k) The Government Inspector of Railways, Circle No. 1, Calcutta commenced his enquiry at 8.0 hours on 6th September 1951.

Shri S. N. Das: From the enquiries so far made may I know whether any probable cause of the accident has come to light?

Shri Santhanam: When the Government Inspector is making enquiries I do not venture on any speculative forecast.

Shri S. N. Das: May I know whether it is a fact that the train was running at a higher speed than was permissible?

Mr. Deputy-Speaker: Is it not one of the things which will be gone into during the enquiry?

Shri Sidhva: May I know whether the brake was in order? Did the Inspector say whether the brake was intact when the train was running and whether it was applied at the time?

Mr. Deputy-Speaker: Would it also not form part of the enquiry? Why pre-judge the issue?

Shri Sidhva: I want to know the immediate reaction of the Inspector when he inspected the scene.

Mr. Deputy-Speaker: These things always form part of the enquiry.

Shri A. C. Guha: What is the nature of the control which the Government has over this Railway?

Shri Santhanam: For safety precautions the Government Inspector inspects the railway just as he inspects Government railways, and on the basis of that report we can take any action suggested by him under the Railways Act.

Shri A. C. Guha: Is it true that the slippers were condemned some years ago but they have not been changed?

Shri Santhanam: I have said that an Assistant Permanent Way Inspector inspected the line on 1st September, 1951, and the mate of gang No. 2 trolleyed over the section half an hour earlier. I may also state that I understand this is the first accident on this railway over the last 44 years.

Shri A. C. Guha: My question was whether it is true that the slippers were condemned some years ago and they have not been changed.

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Shri Santhanam: I would suggest my hon. friend await the Government Inspector's report.

Shri A. C. Guha: The hon. Minister stated that there was over-crowding. Has he any knowledge as to whether those bogies were also carrying some passengers on the roofs and foot-boards?

Shri Santhanam: I don't think they were carrying anybody over the roofs. The carriage was slightly overcrowded; it was only full, it was not overcrowded.

Shri Sidhva: Will the enquiry be a public one or will it be held *in camera*? And will evidence of witnesses be taken?

Shri Santhanam: Generally the Government Inspector's enquiry is a public enquiry and he calls all those people who he thinks will be able to give evidence.

Shri Syamnandan Sahaya: In view of the recurrence of these accidents as also in view of the great anxiety felt by the travelling public, do Government in this case propose to appoint non-officials to the official enquiry committee which they will form to go into this question?

Shri Santhanam: There is no question of a non-official enquiry. There are only two enquiries: one by the Government Inspector, another a separate judicial enquiry. Where we find any abnormal circumstances present then a judicial enquiry is resorted to; it will depend upon the result of the Government Inspector's enquiry and whether there were any abnormal circumstances.

Shri Sidhva: The hon. Member stated it would be a public enquiry. Will it be open to the Press also?

Shri Santhanam: If it is a public enquiry any member of the public is entitled to be present.

Shri A. C. Guha: The hon. Minister stated that the Government Inspector inspects these railways and looks to the safety measures. Was the Inspector satisfied that there was any gate at the level-crossing, that the brake of the engine was in order operating and that there was the vacuum arrangement?

Shri Santhanam: All these are matters for enquiry. Because there was an accident there should be some cause. Every time a train starts from the terminal station it is tested; every brake van and every wagon is tested by the officials concerned. Somebody might have been at fault—that will come out in the course of the enquiry.

Shri A. C. Guha: My point is that the Railway Inspector often inspects the railway and is satisfied about the safety measures. But these things are some of the elementary safety measures. I want to know whether the Government Inspector was satisfied that the vacuum arrangement was all right, that the brake was operating and that there were doors on the level-crossing?

Mr. Deputy-Speaker: That is a general inspection, this is a day to day inspection.

Shri A. C. Guha: What is the purpose of telling us that the Government Inspector is satisfied about these things?

Mr. Deputy-Speaker: I believe the hon. Minister will kindly transmit all this information to the enquiry committee.

Shri Santhanam: The Government Inspector makes a periodic enquiry to ensure that all the safety regulations are complied with, but day to day inspection is the function of the officials of the railway concerned. Whether any such officer failed in his duty is a matter which will come out in the enquiry. It is not possible for the Inspector to inspect every brake van and every coach of every railway; it is obviously physically impossible.

Shri Deshbandhu Gupta: The hon. Minister, in replying to a supplementary put by my friend, Shri Sidhva has said that this enquiry is a public enquiry. He further said that any person can go and give evidence before it. I want to know whether by public enquiry he means that it will be open to the Press in the sense that it can be reported?

Shri Santhanam: So far as I know it can be reported.

Shri Sidhva: He wants to know whether it is open.....

Shri Santhanam: If he wants a more precise answer I suggest he put down a question.

Shri A. C. Guha: When was the last inspection made by the Government Inspector and what was his report?

Shri Santhanam: I would require notice for a precise answer.

Mr. Deputy-Speaker: We will now go to the next business on the agenda.

Shrimati Durgabai rose—

Mr. Deputy-Speaker: Does she want to put a supplementary question?

Shrimati Durgabai: No, Sir.

Mr. Deputy-Speaker: Then let me finish these few items of business of the day.

Shri Deshbandhu Gupta: There is a short notice question standing in my name also, Sir.

Mr. Deputy-Speaker: Yes, with respect to the same matter. But on this very matter short notice questions were tabled by Shri S. N. Das, Shri A. C. Guha, Shri Sidhva and Shri Deshbandhu Gupta. There are four questions and I have got all of them here. The practice that is followed is that the most comprehensive will be allowed, but all these questions are sent to the hon. Minister so that he may be ready with his answers and intimation is given to these gentlemen who have tabled questions; they may put supplementaries, and having the list before me I always give preference to those gentlemen who have tabled similar short notice questions for the day before I call upon others to ask questions. That is, whenever an hon. Member finds his question has not been called he may intimate to me and I will give him a particular opportunity to put supplementaries on whatever matter he wants to. That is the practice that is followed.

Shri Deshbandhu Gupta: I would just like to ask one supplementary which arises out of my question.

Mr. Deputy-Speaker: I am afraid the time is over. I was looking at the face of the hon. Member for a long time but I thought he was not prepared.

Before proceeding further, I want to make one matter clear. While I was going through the questions and calling those Members who were not in their seats when the questions were first called, one hon. Member stood up and said that a particular question should be called. He drew my attention to a rule and I thought that the rule was in his favour. But inadvertently I missed one point and that is this. Unless an hon. Member is authorised to put a question, I ought not to ask the hon. Minister to answer. The rules do not permit that. Therefore, for future guidance I would suggest this. Whenever an hon. Member is not in his seat when I call the question and later on after the question list is exhausted I go back to the questions from the beginning, the procedure to be adopted is that if the hon. Member himself is present at this stage, he will put the question. But if any other hon. Member is authorised in writing on his behalf, he will immediately show the authority and then I would call that hon. Member to put the question.

Still, if there are certain questions which are of very great importance, and if anyone wants them to be answered, let them wait till all the questions are over and then let them suggest to me and I will ask the hon. Minister to answer. Therefore, let there be no misunderstanding that I was partial to an hon. Member on this occasion and tried to ignore another hon. Member. I am sorry I did not notice the other portion of the rule when I allowed the hon. Minister to answer this question.

Shrimati Durgabai: Before you proceed further.....

Mr. Deputy-Speaker: Let me finish. I will never ignore the hon. lady Members in this House.

Shri Lakshmanan: I have something to say with reference to this particular matter.

Mr. Deputy-Speaker: Order, order. I have looked into it.

WRITTEN ANSWERS TO QUESTIONS

LOCUST PLAGUE

***941. Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the U.S. Government have sent two U.S.C.-47 transport aircraft to combat locust plague in India?

The Minister of Food and Agriculture (Shri K. M. Munshi): The U. S. Government had sent to India, under the Technical Assistance Programme, two transport aircrafts and three small piper cubs with necessary technicians to demonstrate aerial locust control operations in the desert breeding areas. The small planes and the technicians are still in India and actively engaged in aerial control demonstrations, but the two transport aircrafts have returned as they were not suitable to Indian conditions.

FOOD GRAINS FROM U.S.A.

***945. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Food and Agriculture be pleased to state what quantities of foodgrains are being received and at what ports in India?

(b) What arrangements have been made to carry the grains to the different destinations?

(c) What are the estimated transit charges inside the country?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Allocations of ships to different ports are

made about a month in advance of their arrival in India, on the basis of our needs at different ports during the month and it is not, therefore, possible to indicate how the quantities of loan grain that will be received at each port.

(b) Railways already have instructions to ensure supply of adequate number of water-tight wagons for the clearance of foodgrains from the ports.

(c) Most of the steamers required for the shipment of loan grain are provided by the U.S.A. Government out of their Reserve Fleet and the sea freight for these steamers varies from \$ 20.50 to \$ 25.00 per ton depending on the loading and destination ports.

The transit charges incurred in India will vary depending upon the distance of the point of consumption from the port of supply. The incidental charges including rail freight from the port to the point of consumption will vary from about Re. 1 per maund to Rs. 3 per maund approximately.

RESEARCHES ON LOW GRADE COAL

***949. Shri Alexander:** Will the Minister of Railways be pleased to state:

(a) whether the researches for using low grade coal by Railway Engines have been useful;

(b) if so, whether low grade coal is now being used by the Railway Engines anywhere in India and if so, with what effect; and

(c) what will be the economy on this account?

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

(b) Low grade coals are being used by railways on new IRS locomotives only. It has resulted in increased consumption by 25 to 30 per cent, which is offset by the reduction in cost inclusive of freight.

(c) A forecast is not possible at present.

COCONUT RESEARCH STATIONS

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

(a) whether any research work is being done in coconut research stations to control the coconut pests that are ravaging the coconut plantations in some parts of Travancore-Cochin State;

(b) if so, whether any effective remedy has been found out as yet; and

(c) what steps, if any, are being taken to disseminate such information to the growers?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) Yes. Remedy has been found for the control of some of the pests.

(c) Results of work done are published by the Indian Central Coconut Committee in "Indian Coconut Journal" which is printed in English and Malayalam and has wide circulation among the coconut growers.

VINDHYA PRADESH CIVIL SERVICE OFFICERS

*953. **Shri Dwivedi:** Will the Minister of States be pleased to state:

(a) the number of Vindhya Pradesh Civil Service officers (i) of the former States, and (ii) those from outside, whose appointments were made after the integration, who were allowed to appear at interviews before the Special Recruitment Board which visited Rewa recently for selection of I.A.S.;

(b) the reason why only a selected few were permitted interview; and

(c) the qualification for such permission, if any?

The Minister of States, Transport and Railways (Shri Gopaldaswami):

(a) (i) 21.

(ii) 3.

(b) As provided under paragraph 4(1) of the Indian Administrative Service (Extension to States) Scheme, a special selection board was constituted consisting of the following with the approval of the Government of India:

(1) The Chief Minister,

(2) The Additional Minister,

(3) The Chief Secretary,

(4) The Commissioner, Bundelkhand Division.

The Selection Board reviewed the cases of all officers of the State Civil Services and of officers holding posts of similar status and made preliminary selection from them for interview by the Special Recruitment Board. The Selection Board selected 22 officers for interview and after Vindhya Pradesh became a Part 'C' State, the Chief Commissioner selected, five more officers for interview. Out of these 27 officers, three officers did not appear at the interview conducted by the Special Recruitment Board.

(c) All existing incumbents of the posts to be encadred in the Indian Administrative Service and all officers holding posts of similar status were considered by the Special Selection

Board for purposes of preliminary selection. The preliminary selection was based on the suitability of the officers, in the opinion of the Selection Board, for inclusion in the Indian Administrative Service.

QUARTERS FOR THE GOVERNMENT EMPLOYEES IN VINDHYA PRADESH

*955. **Shri Dwivedi:** (a) Will the Minister of States be pleased to state whether Government are aware that there is acute shortage of residential accommodation for Government employees in Vindhya Pradesh since the time of the integration of Baghelkhand and Bundelkhand?

(b) Why is the work of constructing quarters for Government servants not being undertaken in Vindhya Pradesh?

The Minister of States, Transport and Railways (Shri Gopaldaswami):

(a) and (b). Government are aware of the difficulties in securing residential accommodation and have already arranged for the Army Lines at Rewa and Panna to be made available for the purpose. This has substantially relieved congestion.

ALL-INDIA WOMEN'S FOOD COUNCIL

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

(a) the number of non-cereal cafeterias which have been opened by the All-India Women's Food Council;

(b) what amount of money has been invested in each of them; and

(c) what is the monthly profit, if any, from each of them?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Permanent non-cereal food cafeterias have been opened by the A.I.W.F.C. and its branches in New Delhi, Bombay and Simla, one in each place.

Temporary non-cereal food cafeterias were opened on special occasions such as Melas and exhibitions by the branches of the Council in Bombay, Madras, Mysore, Bangalore, Patiala and Hyderabad.

(b) (i) New Delhi Cafeteria—Rs. 15,000.

(ii) Bombay—Rs. 55,000 (which includes Rs. 30,000 spent on construction of the building on a plot given on lease by the Bombay Government

(iii) Simla—Rs. 2,000.

(c) The average daily sales are as under:

(i) New Delhi (Annapoorna) about Rs. 650 per month.

(ii) **Bombay cafeteria**—Started on 17th July 1951.

(iii) **Simla cafeteria**—Rs. 70.

It has been found that there has been so far no loss on account of any of the cafeterias.

AGRICULTURAL COLLEGES AND SCHOOLS

216. **Shri S. C. Samanta**: Will the Minister of Food and Agriculture be pleased to state:

(a) the names and locations of Agricultural Schools and Colleges in India (Statewise);

(b) how many seats there are in those schools and colleges and how many students were taken in the years 1950-51 and 1951-52; and

(c) the number of students that were successful in the post-graduate training in Agriculture in the years 1949-50 and 1950-51?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). As most of the Agricultural colleges and schools are run by the State authorities and universities, I regret that the information asked for by the hon. Member is not readily available. It will be collected and laid on the Table of the House when ready.

FERTILIZERS SUPPLIED TO VINDHYA PRADESH

217. **Shri Dwivedi**: Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of fertilizers supplied to Vindhya Pradesh in the years 1948, 1949 and 1950;

(b) whether all the quantity was distributed among the agriculturists;

(c) if not, how the remaining quantity of fertilizers was distributed;

(d) whether any steps were taken to popularise the use of fertilizers among the peasants;

(e) the results in the growth of crops upon the use of fertilizers and the difference in the annual yield in crops; and

(f) whether Government propose to lay on the Table of the House copies of pamphlets, booklets and other literature distributed in Vindhya Pradesh for popularisation of fertilizers and "Grow More Food" Scheme of the Government of India?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 1948 and 1949, Nil. 1950, 1,892 tons.

(b) No. Out of 1,692 tons, 1,062 tons were distributed to the cultivators.
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(c) The balance of 630 tons of fertilizers was stored and distributed during the Kharif 1951-52 for paddy crops.

(d) Yes. The Local Administration had done propaganda through extension staff and also by distributing leaflets in the local languages, about chemical fertilisers, their use and advantages.

(e) The results were encouraging as the increase in the yield in the areas treated with this fertiliser amounted to 1,270 tons.

(f) One copy each of the pamphlets distributed has been placed in the Parliament Library.

TICKETLESS TRAVELLING

218. **Shri A. Joseph**: (a) Will the Minister of Railways be pleased to state the number of ticketless travellers since January, 1951 upto the end of July, 1951?

(b) What is the amount recovered from these ticketless travellers during the period?

(c) How many ticketless travellers have been prosecuted and sentenced in various magisterial courts?

(d) What is the share the Government of India are paying to various Governments for the magisterial work done in those States?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The number of ticketless travellers detected since January 1951 upto the end of July 1951 is 50,36,608.

(b) The amount recovered from these ticketless travellers during the period is Rs. 96,91,176.

(c) 77,881 ticketless travellers have been prosecuted and 56,366 sentenced in the various magisterial courts during the same period.

(d) This information is not readily available. It is being obtained and will be placed on the Table of the House as soon as ready.

RATION SHOPS

219. **Shri A. Joseph**: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of ration shops in Parts 'A', 'B' and 'C' States; and

(b) the number of Harijan dealers working at present in these States and the names of States which have not given facilities to Harijans in this regard?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The trouble and expense involved in collecting the required information will, it is feared, be not commensurate

with the object the hon. Member has in view.

SUGAR

220. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of sugar manufactured during the current year by the sugar factories;

(b) the quantity set apart for rationing areas and for free markets separately;

(c) the balance left in stock for consumption in the rationed areas and also for free markets;

(d) whether Government have issued any instructions to release sugar for free markets on a scientific principle or at random; and

(e) whether prices in free markets have gone down since April, 1951?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 11.03 lakh tons upto 22nd August 1951.

(b) Out of 11.03 lakh tons 9.76 lakh tons have been set apart for controlled distribution and the balance of 1.27 lakh tons for sale in free market.

(c) After taking into account the carryover from 1949-50 and imports made during the current season the unallotted balance with factories for controlled distribution is 1.10 lakh tons and for free market 0.04 lakh tons.

(d) Attention of the hon. Member is invited to my statement laid on the Table of the House on 27th April, 1951.

(e) Yes.

FOOD CONTRIBUTIONS FROM U.S.A.

221. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any food contributions have been made by the New York community for orphanages in India and if so, what is the total amount so far received from this source; and

(b) the quantity collected by the Chairman of the Levittown Food Committee for India in New York and if this quantity is received, how it will be distributed?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No food contributions have been made by the New York community for orphanages in India through the Government of India. Private contributions may have been made by them for distribution through private organizations.

(b) As far as the Government of India is aware a quantity of 6,500 lbs.

of foodstuffs was collected by the Chairman of the Levittown Food Committee for India and the gift was handed over by the Committee to Christian Rural Overseas Program for distribution to children of various religious denominations in India.

PLANE ACCIDENT NEAR PATHANKOT

222. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to refer to the answer given to my unstarred question No. 381 on the 1st June, 1951 and state whether Government have examined the recommendations made by the Court of Enquiry on the accident to Dakota near Pathankot on 17th July 1950?

(b) If not, what are the reasons for the delay?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The examination of the recommendations has not yet been completed.

(b) The recommendations involve enlargement of existing organizations and setting up of new ones, and consequently have financial implications.

FOOD GRAINS FOR ASSAM

Shri J. N. Hazarika: (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that famine conditions exist in the State of Assam?

(b) If the answer to para. (a) above be in the affirmative, what steps are taken in their regard?

(c) What quantities of rice and other cereals have been allotted for the State since July last and will be allotted up to the next harvesting of *Sati* crops— to December?

(d) What is the total approximate requirement till the next harvest?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (d). I have just been to Assam and discussed the food position there in detail. There is scarcity of foodgrains, particularly rice, in some parts of Assam and high prices prevail in the market. We are unable to help Assam by giving it any substantial quantity of rice. Since July 45,000 tons of grain including 15,000 tons of rice has been allotted to this State. We expect to allot at least 15,000 tons of cereals, mostly wheat, for October and would increase this figure if transport permits. Assam Government have asked for a supply of 19,000 tons per month till December 1951. We hope to be able to look after their total requirements.

Tuesday, 11th September, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XV, 1951

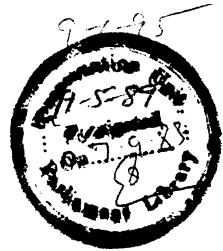
(30th August, 1951 to 22nd September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951



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

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PARLIAMENT OF INDIA

Tuesday, 11th September, 1951

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

[Mr. Deputy-Speaker in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-45 A.M.

**LEAVE OF ABSENCE FROM THE
HOUSE**

Mr. Deputy-Speaker: I have received the following message from the hon. Speaker:

"I have to request you to be so good as to move the House to grant me leave of absence from the sittings of Parliament in the present Session on account of circumstances beyond my control. My aged mother is struck with paralysis and lying speechless in bed and is steadily deteriorating. Her illness seems to be a long-drawn one. That is, in itself, a source of agony to her. I dare not add to it by my absence when I know she wants me every day to be by her side.

In the circumstances, I trust, the House will be pleased to excuse my inability and grant me leave of absence."

On behalf of the House may I convey to the hon. Speaker the good wishes of this House for the speedy recovery of his mother's health to enable him to return to this House and to the Chair which he so honourably occupies and further that the House is pleased to grant him leave?

Is the leave granted?

Leave was granted.

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Shri Syammandan Sahaya (Bihar): Instead of 'good wishes' I would suggest that you substitute 'prayerful good wishes'.

Hon. Members: Yes, Sir.

Mr. Deputy-Speaker: I shall do that.

**ADMISSIBILITY OR DISALLOWANCE
OF QUESTIONS**

Shrimati Durgabai (Madras): Before you proceed further with the business of the House, I want to raise an important point with regard to the admissibility or disallowance of questions. I have looked up the rules and find that they do not cover the particular point I wish to raise. I want to invite your clear ruling on this point. This incidentally raises another important question and that is this. Would allowance or disallowance of a question depend upon the willingness or unwillingness of a particular hon. Minister to answer a question?

Mr. Deputy-Speaker: Both myself and the Speaker have always followed a particular rule in such matters. Whenever an important matter of this type arises, does the hon. Member feel that I can give my ruling off-hand in the House? Is it not better that I should be informed beforehand? I want to ask the hon. lady Member whether this matter cannot stand over till tomorrow. If I have something before me in writing, I can address myself to it and come prepared.

Shrimati Durgabai: This is a question that is based on information already available with us. It is known to the Chair.

Mr. Deputy-Speaker: I am afraid she is presuming too much knowledge in the Chair.

Shrimati Durgabai: The Chair will see it clearly when I explain it. Notice of a question was given on 30th August 1951 and the hon. Deputy-Speaker communicated to the hon. Member concerned that he had been pleased to

[Shrimati Durgabai]

admit that question. A few days after that, another communication was received from his office saying that the question had been disallowed. Now, Sir, when a question is admitted by the hon. Deputy-Speaker we presume that the question is in conformity with the rules. In regard to this particular question, we know not under what rules and for what reasons it had been disallowed just a few days after it had been allowed by the hon. Deputy-Speaker.

Shrimati Renuka Ray (West Bengal): May I elucidate further?

Mr. Deputy-Speaker: Order, order.

Shrimati Durgabai: I can understand that these things can happen to short notice questions, but this is a question which had been allowed by the hon. Deputy-Speaker in the ordinary course of business.

Mr. Deputy-Speaker: I can only say this much off-hand. I do not know the nature of the question and it is better that I am given the details. Ordinarily, the admission or disallowance of questions is done by the Speaker or in his absence by the Deputy-Speaker. Therefore, the hon. Member need not be too charitable towards me. I would have disallowed the very same question later on, had a particular point been brought to my notice. For instance, I might be subsequently informed that this question had been answered earlier. However, I would certainly look into the matter and will not allow anything to happen which will cause inconvenience to hon. Members. My rule is to admit all questions unless I know something to the contrary. But if some question had been recently answered, then I would be compelled to disallow it. I may assure the hon. Member that in all cases of disallowance I am satisfied as to why a question has been disallowed.

Shrimati Renuka Ray: On the 31st August I was informed that my question was to be answered on the 12th September. Subsequently, on the 8th I got a letter saying that as this question had been substantially covered it had been disallowed. Now, I want to know what is the meaning of the words "substantially covered", because it has not been altogether covered.

Mr. Deputy-Speaker: 'Substantial' means 'not in language but in substance'. There are twenty six letters in the alphabets and by permutation and combination each one's language is different. Take today, for instance.

We had four short notice questions covering the same railway accident. I could not certainly allow all the four. Even the mere reading of them would take half an hour. Therefore, substantial means not the language in which it is couched but the substance has been answered.

Shrimati Renuka Ray: If you will give me time, I shall show you that the details have not been answered.

Shrimati Durgabai: One aspect of the question was covered, but the other aspect was not covered. The question was with regard to the electoral rolls of Rajasthan women and women belonging to other provinces. It may be that one aspect has been covered, but the other aspect has not been covered. If the answers of the hon. Minister in the lobby or elsewhere are elusive, we are certainly entitled to raise the other aspects of this question.

Shrimati Renuka Ray: There are many other aspects.

Sardar B. S. Man (Punjab) rose—

Mr. Deputy-Speaker: I do not want any further clarification on this matter. I know that the hon. lady Members are very much interested in this and the hon. Dr. Ambedkar also has given his reply. As soon as notice of disallowance was received, why could not the hon. Member have come to me? I do not invite, but it is open to them to come and raise the matter in my Chamber.

Shrimati Durgabai: Should hon. Members negotiate privately, or should they utilise the House which is the proper forum for raising such matters?

Shri Sidhva: Sir..... *Interruptions.*

Mr. Deputy-Speaker: Cannot there be any order in this House? I know that hon. Members are very anxious. They have repeatedly expressed their desire on the floor of the House that this matter ought to be attended to and the hon. Law Minister has been saying that this matter can no longer be looked into. This is as far as I have heard. Now, if any particular matter is substantially answered, then I come to the conclusion that it need not be answered further. But despite that, there may still be difference of opinion. In such cases, are we to take away the time of the House on the floor of the House? Hereafter, am I to place all the 150 and odd questions that come up for admission every day before the House and take away the time of the House? Do the hon. lady Members suggest that? With all

respect to lady Members, I am not going to allow any more time of the House to be wasted on this. There is no one rule for women in this House and another rule for men in this House.

Shrimati Durgabai: We strongly protest that we do not want separate rules for women in this House.

Shri Syammandan Sahaya (Bihar): I think, Sir, that you should give your ruling after the Hindu Code is passed.

Mr. Deputy-Speaker: Sufficient time has been spent on this matter. In my opinion, this question has been substantially answered. It is open to any hon. Member to differ and if he or she does so, they can tell me the particular points that are not covered. There is no good spending the time of the House. I am not going to allow any more questions, from whichever part of the House they may come.

Shri Lakshmanan (Travancore-Cochin) rose—

Mr. Deputy-Speaker: Order, order.

STATEMENT RE CONTRACT FOR CARRIAGE OF MAILS

The Deputy Minister of Communications (Shri Raj Bahadur): Sir, with your permission, I wish to correct an unfortunate error which occurred in the reply to Starred Question No. 3067 which my hon. friend Prof. K. T. Shah put on the 12th April, 1951. In answer to part (b) (ii) of that question and also to supplementary questions put thereon it had been stated by the ex-Minister, the hon. Shri R. A. Kidwai that there had been no contracts of the value of Rs. five lakhs and above which have been subsequently modified. It was, however, brought to my notice subsequently that on verification it was found that an old contract of 1938 between the Government of India and Tata Sons Limited (now Air India) had been modified in August, 1949. The contract which was executed on the 2nd June, 1938 for the carriage of mails on the route Karachi-Colombo against a guaranteed minimum payment of Rs. fifteen lakhs per annum had to be revised on the 30th August, 1940 so as to reduce, with effect from the 1st July, 1948, the guaranteed minimum payment to Rs. ten lakhs per annum. The circumstances which necessitated the revision of the contract were the termination of the Empire Air Mail Scheme on the 1st April, 1947 and the partition of the

country whereby Pakistan became an independent State and, therefore, free to give its mails to any airline of its choice.

I deeply regret this omission and apologise to you, Sir, and to the hon. Members.

PAPER LAID ON THE TABLE

NOTIFICATION AMENDING INDIAN AIRCRAFT RULES, 1920

The Minister of Health and Communications (Rajkumari Amrit Kaur): I beg to lay on the Table a copy of the Ministry of Communications Notification No. 10-A/2-48, dated the 9th August, 1951, making certain further amendment to the Indian Aircraft Rules, 1920, in accordance with sub-section (3) of section 5 of the Indian Aircraft Act, 1934. [Placed in the Library. See No. P-208/51.]

10 A.M.

PRESS (INCITEMENT TO CRIME) BILL—contd.

Shri Deshbandhu Gupta (Delhi): I was dealing with the provision regarding trial by jury provided in the Bill when the House rose yesterday. In this connection I wish to say only this much that it has failed to enthuse the press of India. On the contrary the press is generally critical of this provision. Even a paper like the *Eastern Economist* of Delhi which enjoys reputation for the sobriety of its views has very severely criticised this. If this provision is deleted, therefore, the press will not be sorry.

With your permission, Sir, I would now like to deal with the different clauses of this Bill. In the course of his speech the hon. Minister has asserted that "this Bill will entirely replace the law of 1931." I am quoting from his speech. Let us now see how far this assertion is correct. On close comparison I find that out of the 34 clauses of this Bill as many as 16 have been bodily lifted from the Press (Emergency Powers) Act of 1931. These clauses are 6, 9, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 31 and 32. Of the remaining 18 clauses the first two deal with the Title and Definitions. I have already stated that the title has been borrowed from the Newspapers (Incitement to Offence) Act in a worse form. As regards the Definition clause this is also more or less the same as was contained in the 1931 Act, except for the fact that here and there some things have been added. So for all practical purposes even these two clauses are the same.

[Shri Deshbandhu Gupta]

Then comes clause 3 which describes 'objectionable' matter. This clause is not only the most important but also the most objectionable in this Bill. It has got 8 sub-clauses. A casual reading of these sub-clauses detailing the various circumstances under which the press can be called upon to furnish security will show how wide and extensive they are. If they are passed in their present form, they will amount to a perpetual injunction on the press not to print or publish anything which may be covered by the provisions contained therein. It should be very clearly understood that there is not even one sub-clause of clause 3 taken as such which is not in one way or the other dealt with by some other provisions of the existing law. The impression that has been given to the House is that Government is repealing repressive laws and is replacing or repealing the Act of 1931, whereas I find that in these 8 sub-clauses practically there is nothing left which is not contained in other repressive laws and which has not been put here in the form of "objectionable matter". This really means codification of the Press law and not repeal or amendment of the Press law.

I will presently show you what I mean. For instance take sub-clauses (i) and (ii). They amply cover the existing provisions of the Indian Penal Code and the Law of Abetment as contained in Sections 121(a) and 121 (b). In other words these offences are as are to be found in section 4 of the Press (Emergency Powers) Act which is now being repealed.

Sub-clauses (iii), (iv) and (v) have been made much wider than they are to be found anywhere in the existing law. Apart from the various sections that are to be found in the Penal Code, namely, sections 124A and 125 and also section 131 and offences under Chapter VII of I.P.C., the ingredient contained in these sub-clauses will muzzle all criticism of any matter. For instance, any agitation against discontinuation of controls or any press propaganda suggesting that controls breed corruption or any systematic exposure of the official misconduct may be brought within the purview of sub-clause (iii).

I shall now take sub-clause (vi). Sub-clause (vi) deals with section 153A which has been declared unconstitutional by the Punjab High Court in the well known case of Master Tara Singh. It is not only being revived, but a significant change has been made in its wording. I would

like the House to mark the change. The words now are "tend to promote, etc.", whereas the word "tend" is a substitute of the word "attempt",—"attempt to encourage or attempt to promote". Now I need not dilate on the difference between "attempt" to do a thing and "tend" to do a thing. My lawyer friends are more competent to deal with it, but it is evident that it widens the scope of the offence. And then this is a section which has been held *ultra vires* by the High Court. This is one of the sections which were recommended to be repealed also by the Press Laws Enquiry Committee.

Sub-clause (vii) corresponds to section 383 of the Indian Penal Code and to sub-clause (e) of clause 4(1) of the Press Emergency Powers Act, which is sought to be repealed.

Sub-clause (viii) is not to be found in the Press Emergency Powers Act at all. It is a new clause which gives wide powers to Government to take action against newspapers without defining the word 'scurrilous'.

It will thus be seen that not only the sub-clauses of section 4(1) of the Press Emergency Powers Act have been included more or less substantially but that new clauses have been added to widen its scope. It is for the House now to decide whether the hon. Minister is right in claiming that the Press Emergency Powers Act of 1931 has been repealed and that the recommendations of the Press Laws Enquiry Committee in this regard have been carried out.

Commenting on this part of the Bill, the *Hindu* of Madras has made a very interesting analysis of this clause, and I would like with your permission to refer to the opinion expressed by no less a paper than the *Hindu* of Madras which the House knows holds a very high place among the newspapers of India. What does this paper say about this clause? It says:

"Clause 3 of the Bill, which defines 'objectionable matter' is largely dominated by the suspicion and distrust of the press which was so characteristic a feature of British rule. It goes far to neutralise the psychological value of such improvements as we have noted in other parts of the Bill. The amendment of Article 19(2) of the Constitution was strenuously defended in Parliament on the plea that the Government were not as a matter of fact

thinking of asking for such powers in the near future but were merely providing for contingencies when such powers might be absolutely necessary. And yet here is this Bill proposing to confirm the Government in the enjoyment of many of those powers which have been frequently and seriously used to the detriment of freedom in the past and which were condemned by the courts as unconstitutional but to which the hasty amendment of the Constitution gave a new lease of life."

Coming to sub-clause (viii) which is a new clause the paper says:

"Scurrility and blackmailing when practised by journalists are not in any way different from what they are when other persons indulge in such writing. The individual affected has ample protection in the general law of the land which deals with intimidation, slander, libel and so on. There is no justification for arming the Government with power to initiate punitive action to put down such activities, highly unbecoming as they may be in journalists who belong to an honourable profession. It is only by building up high professional standards and by raising the standard of public taste that the gutter press can be effectively put down. Prosecution and publicity can only stimulate this noxious growth.

The proposal to penalise the press for 'interfering' with the maintenance of public order or for 'influencing' public servants is not merely uncalled for.

It is likely to be so worked that political education or propaganda other than what may be acceptable to those in authority and exposure of the corrupt or evil ways of officialdom or its lack of imagination and efficiency, might become practically impossible."

This is the opinion expressed by a paper for whose views I hope the Government as well as the House has got great respect.

The Minister of Home Affairs (Shri Rajagopalachari): I have got great respect for the hon. Member's opinion expressed in the House. Quotations cannot be ruled out, but I submit we need not simply repeat them. One's own opinion is preferable to quotations from papers.

Shri Deshbandhu Gupta: When I am quoting from some newspaper I am naturally quoting to support my case. And I have said so, that I cannot put it better than what the *Hindu* of Madras has put in these words. That is my apology for quoting from it.

Shri Rajagopalachari: If the hon. Member will permit an interruption, the quotation from the *Hindu* proves that prosecutions for indecent writings are useless and bad. Prosecutions are of no use, and that is why this Bill is brought in. The hon. Member's own argument was better than the argument of the *Hindu*.

Shri Deshbandhu Gupta: That may be the hon. Minister's view. The quotation from the *Hindu* proves nothing more than this that the present law is sufficient to meet the situation and that there is no need for sub-clause (viii).

Shri Rajagopalachari: The *Hindu* has proved that the present law is bad, that prosecution only increases the misdeeds.

Shri Deshbandhu Gupta: He is certainly welcome to draw his own inference and quote it in his support. I do not mind.

Now, so far as this clause 3 is concerned I have said enough to show that in the presence of clause 3 which contains these eight sub-clauses all imaginable things which a paper can comment upon or write upon have been brought within the purview of 'objectionable matter'. I think other Members have also referred to it in detail and I would not be justified in dilating further on the contents of this clause—although every one of the sub-clauses is so objectionable that one can go on commenting upon same.

Then I come to clauses 4 and 5. They merely lay down the procedure. Of course they are important because the new departure that the hon. Minister has proposed regarding the security sections is contained therein, and I have acknowledged that this is the only point for which some credit could be claimed.

Clause 6 is the same as in the Act of 1931. But part (c) of sub-clause (1) of this clause lays down that "the press shall not be used for the printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made". Now, I would like to ask the hon. Minister, if it is the intention of Government not to make it possible for a paper to reappear after it has committed an

[Shri Deshbandhu Gupta] offence. Is it also the intention of Government that the press which was used for printing that paper should be closed for printing all other matter? This shows lack of consideration, from the practical point of view, which the Government have for "printing-press" proprietors. I would like to illustrate what will be the effect of this clause if it is retained like this. The fact is that big newspapers have got their own printing presses and if Government finds fault with any big paper it can certainly close the printing press of that paper under this sub-clause (c)—just as was done in the Civil Disobedience days. History is full of illustrations when nationalist papers were closed. The *National Herald* was closed, the *Free Press Journal* and so many other papers were closed. If the security is not deposited the press is locked but I wonder if the hon. Minister has pictured in his mind the working of these small newspapers. Small newspapers are printed in the small presses on a job printing basis and it is not expected that the keeper of that press is to act as a censor of what is contained in a weekly or a daily newspapers which is printed on a job basis.

Now an offending paper commits the mistake and there is a demand for security both from the press and the paper. The penalty provided here is this. The paper will equally hold that because the paper cannot be printed, being a small job paper, it cannot do the odd jobs also of other customers. That is the effect of this. I would like to say that the hon. Minister has just lifted all these provisions from the Act of 1931 without caring to go into the question as to what will be the effect.

The Minister of State for Information and Broadcasting (Shri Diwakar): Only when the deposit is paid.

Shri Deshbandhu Gupta: Why should a printing press keeper who is not expected to scrutinize everything which is contained in a newspaper be asked?

Shri Rajagopalachari: It may not be possible to cover all these minor points of detail in a general debate. If the hon. Member will forgive me for the interruption and pointing out the error he is under, what I say is that the press is prosecuted where it has committed a certain offence and the small concession as it was called of a judicial trial will give full opportunity to say that this was a job printing press; it had nothing to do with the paper and there should be no security from the press but only from the editor or publisher of the paper. Thus we are going round

and round the same thing. If it was entirely open to the explanation, namely to punish a press, the objection would be right but if the question of the smallness of the press etc. are to be considered, they are bound to be considered in the judicial case.

Shri Deshbandhu Gupta: There is nothing to indicate this in the Bill. I am glad that the hon. Minister now realizes how this Bill will work in practice.

Pandit Thakur Das Bhargava (Punjab): In the Bill as it is, it will be never considered.

Shri Deshbandhu Gupta: I am really amazed that the hon. Minister has advanced an argument which as the text of the Bill goes really is far from convincing. Is it his contention that...

Shri Rajagopalachari: Supposing Mr. Deshbandhu Gupta edits a paper and in his absence in London when he is out on a delegation, something appears the court can acquit him.

Shri Deshbandhu Gupta: That is all right but what about the keeper?

Shri Rajagopalachari: I am not providing for all that.

Shri Deshbandhu Gupta: You have got to.

Shri Rajagopalachari: There is the judicial trial for all these things. (Interruption).

Shri Deshbandhu Gupta: I would like to be allowed to go on so that I can make out my points. The hon. Minister has quoted an illustration that supposing the editor of a paper happens to be away and for any writings appearing in his paper in his absence he is called upon to deposit a security, it will be open to the newspaper editor to plead that he was absent and that something has happened in his absence. Sir, that illustration really does not apply so far as the Press is concerned, because the keeper of the Press is a separate entity. He is all the time there; he is running his business of printing. When a newspaper writing is found to be offensive and a security is demanded, I would like him to point out the text of the Bill where it is open to the judge to say: Well, we want security from the newspaper but not from the press. I think if he will read the text of the Bill—this section—he will agree that this does not provide for that and in all cases past history shows this. May I point out one instance where the security was demanded from a newspaper and was not demanded from the press? I know

for years and years during the Civil Disobedience Movement presses were just locked up; nobody would care to see what was lying there and I am really amazed that even my hon. friend, Mr. Diwakar who has been a journalist himself thinks that this is not a harsh clause at all.

The Minister of State for Transport and Railways (Shri Santhanam): May I enquire whether the keeper of the press is liable for libel or defamation against an individual, published by him, though he may not know what was published?

Shri Deshbandhu Gupta: What is the hon. Member driving at?

Shri Santhanam: He comes under the same category. Whether the keeper is liable or not is based on his liability for anything published in his press. The method of punishment may differ; it may be fine or it may be security but the criminal and civil liability is there.

Shri Deshbandhu Gupta: I am glad my hon. friend is confirming what I was saying. My hon. friend has really confirmed that the liability of the keeper is there irrespective of the fact whether he is liable in the sense that he has seen that matter or not. That is exactly my point.

Pandit Thakur Das Bhargava: He does not consider the punishment which is the most drastic as punishment.

Shri Santhanam: I am only suggesting that the liability of the keeper to the ordinary individual is the same as the liability to the State provided in the Press Act.

Shri Deshbandhu Gupta: My point is simply this. I would like the hon. Home Minister and this House to consider from a practical point of view the large majority of small papers, weeklies, monthlies that are printed not in their own presses. Supposing a paper commits an offence and a security is demanded, is it or is not under this clause as it is worded that the press is equally liable to deposit a security as the paper is? If that is so.....

Shri Rajagopalachari: If I were to be forgiven an interruption.....

Shri Deshbandhu Gupta: I have always welcomed it.

Shri Rajagopalachari: A press is not equally liable if it will prove to the satisfaction of the court that it had no moral culpable part in the matter but it will be legally possible for the court to make it liable. There is a difference

between the possibility and what the judge will do. This Bill makes this important change and let it not be forgotten and let not past history obsess hon. Members' minds. This Bill makes the important change that every finding of liability or culpability is open to argument on the merits before a jury and a judge.

Shri Goenka (Madras): May I ask a question?

Mr. Deputy-Speaker: The hon. Member will have his turn.

Shri Goenka: That is on a point which we are just discussing. The whole basis is placed on a vicarious liability.

Shri Rajagopalachari: I will answer with the hon. Member's permission.

Mr. Deputy-Speaker: I am afraid I cannot allow the hon. Member to go on interrupting indefinitely. All other hon. Members also want to speak. When a hon. Member is on his legs, the hon. Minister who is sponsoring the Bill can intervene, if the other hon. Member is prepared to allow him in order to explain certain matters and other hon. Members ought not to put questions now. When the hon. Minister is on his legs, all questions may be put.

Pandit Thakur Das Bhargava: May I respectfully beg of the hon. Mover to kindly point out from any of the provisions of this Bill whether this discretion is given.....

Mr. Deputy-Speaker: Not yet. Each hon. Member will have his turn. After the hon. Minister concludes his speech, questions may be put to him.

Shri Deshbandhu Gupta: With your permission, I would request that I may be allowed to make out my point. I would like to draw particular attention of the hon. Minister to the wording of this sub-clause (1) (c). It reads:

"the press shall not be used for the printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made."

Where is the discretion?

Shri Rajagopalachari: The hon. Member has come back to his original point rightly. If the press is found liable and the judge does find him culpable, then he is not allowed to do certain things.

Shri Deshbandhu Gupta: I beg your pardon. I was dealing with this section.....

Shri Rajagopalachari : Dealing only with the press and not with editors.

Shri Deshbandhu Gupta : I had read out the text of this sub-clause (1) (c) of clause 6, and I was just pointing out that this leaves no discretion to the sessions judge or to the juries. I was asking if it was there not to close the press in case a deposit has been demanded and it is not paid? This is a very simple thing. I was going to point out that as long as this sub-clause stands like this, there will be a very large number of papers exposed to the danger of their not being printed in other presses because they run the risk of being put out of trade for the time that they have not been able to deposit the security. My point was this. While these 16 clauses have been copied from the Emergency Powers Act, care has not been taken even to see as to what will be their effect from the practical point of view, on smaller papers and bigger papers. The point is, the whole conception is one of vicarious liability. It is not the liability of the editor. If the editor is there, he is punished for his writings. The law of the land provides ample provisions in the law that the editor can be punished, can be sent to jail, can even be transported for life under section 124A if he commits a breach of the law. The point here is, he is a poor press man; an ordinary proprietor of a press who is printing some monthly; he is not expected to scrutinise it. You are putting the liability on his head. You are putting him out of trade for the simple reason that the editor has committed indiscretion. This was all right when the bureaucracy was there. They were mightily afraid of everything. They thought that the best way of killing a public movement was to place the liability as wide as possible so that no printing press would undertake printing of any paper which was critical of the Government. It was understandable then. But, why should they now copy in their text all these things as they existed before.

There is sub-clause (2) of this clause. This is a very interesting sub-clause. The hon. Minister has said that we are leaving it to the sessions judge and the jury so far as deposit of security is concerned. I would like to invite the attention of the House to this sub-clause (2). What does it say? It runs as follows:

"Where any printing press is used in contravention of clause (c) of sub-section (1), any magistrate may, on a complaint in writing made to him in this behalf by the

competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government and after hearing him and on being satisfied that there are grounds for passing the order, declare the press to be forfeited to Government."

Surely, the demanding of security is of much less consequence than forfeiting the press. Here you are giving the power to a magistrate. A Sub-Inspector goes and makes a complaint that the keeper of the press has printed something which is in contravention of part (c) of sub-clause (1), the one that I read. What is the result? The press cannot do any work. A mere magistrate can pass the order. Suppose the foreman of a small press takes it into his head that some small urgent work or some visiting card or, some invitation card could be printed, some invitation card had been made. What will be the result? The result will be, that on a mere complaint by a Sub-Inspector, the magistrate will forfeit the press. That will be the effect because it is in contravention of the provisions of part (c) of sub-clause (1). My hon. friend is probably thinking that I am dilating too much on this. But, we are laying down the general law; we have copied provisions here, the very conception of which was emergency power required by a foreign Government. We have copied them *in toto*. I am only pointing out how it will work.

Shri Goenka : Vicarious responsibility.

Shri Deshbandhu Gupta : Yes, that is what I have said.

Pandit Thakur Das Bhargava : It is direct responsibility; not vicarious responsibility.

Shri Deshbandhu Gupta : Then there are clauses 7 and 8 which are related to clause 4 and 5; clause 9 is the same. Therefore, I need not dilate on them. Now, I come to clause 10. Clause 10 is another very important clause, relating to power of the Government to declare certain publications forfeited. This is a new clause. Instead of restricting the scope of the Emergency Act, so far as this particular clause is concerned, the hon. Mover of this Bill has thought fit to insert a new clause. What does this clause mean? I would like the hon. Members to kindly read the few lines that this clause contains. The clause says:

"The State Government may, on the certificate of the Advocate-General or other law officer of the State or of the Attorney-General

of India that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to Government."

For the first time, this clause contemplates that a law officer of the Government, may be the Advocate-General or the Attorney-General or even the law officer of a State, has the power to say that a particular issue of a newspaper or a book or news-sheet or any publication contains objectionable matter, and that would be sufficient ground for the Government to forfeit all copies of that book, publication or newspaper. Then, there is no appeal against it. I do not know; this is my reading of the clause; I am not a lawyer. So far as this clause goes, as a layman I think, there is not even an appeal provided against that order.

Pandit Thakur Das Bhargava : An appeal is provided.

Shri Deshbandhu Gupta : I am very glad if there is some appeal. As the clause stands here, it is not mentioned.

Shri Goenka : After the damage is done.

Shri Rajagopalachari : The appeal is provided by a general section.

Shri Deshbandhu Gupta : If an appeal is provided, it is some relief no doubt. I concede. But, what will be the effect of the clause in actual working? Suppose a newspaper is publishing an Independence Number. The police gets to know that one illustration, or one cartoon, or one article is objectionable in terms of 'objectionable matter' as defined in clause 3. The publication is ready. It is a bulky publication and thousands of copies have been printed. It is enough for a police inspector to go to a law officer of the State or Advocate-General and say, "Look here, this contains a very objectionable cartoon or an objectionable picture or some objectionable writing." That would be sufficient ground for him to forfeit all copies of that publication. I want the House to realise the powers that are being given under this clause.

Shri Rajagopalachari : What is the hon. Member's remedy for that?

Shri Deshbandhu Gupta : My first reply to my hon. friend is this. Even the predecessor Government did not consider such a provision was necessary. They could manage without any such provision. There was no reference to any law officer there.

Pandit Thakur Das Bhargava : Appeal lay with the Special Bench of the High Court.

Shri Deshbandhu Gupta : Many things were done then without the law being in favour, by the predecessor Government, but I do not think the hon. Minister seriously suggests that the present Government should also do the same thing. The question is whether the effect of this particular clause will not be what I have said it will be, or not. That is the point. Can you trust the judgment of a law officer to the extent of allowing him to declare any publication which may be running into thousands and thousands of copies to be objectionable and to be forfeited? If he does that, what is the relief open to the publisher? A newspaper becomes waste paper the very next day, if it is not issued, and this publication may be a newspaper on which the person concerned might have incurred an expenditure of thousands and thousands of rupees. If such a publication is forfeited, then what is the relief? This provision to appeal is really no relief and it is absolutely unnecessary and I am surprised that.....

Shri Rajagopalachari : Do not publish such matters.

Shri Deshbandhu Gupta : My hon. friend says, "Do not publish such matters." My humble reply to him will be, "Create such conditions in this country that nobody would be critical of the Government." That is the only reply that I can give him.

Pandit Thakur Das Bhargava : Let the Government issue all the newspapers.

Shri Deshbandhu Gupta : I need not dilate further on this point, for I feel that the House is fully convinced of the necessity of not having any such provision in a Bill of this kind. Of course, my objection to the Bill is fundamental, but I am just showing that even in this, although it is declared that we are repealing something, that we are amending something, that we are liberalising something, the fact really is that they are introducing by the back-door things which were never thought of.....

An Hon. Member : Why back-door?

Shri Deshbandhu Gupta : I say back-door for this reason. I read the speech of the hon. Minister and I prefaced my remarks by saying that the hon. Minister, like an astute lawyer has presented only one side of the case, and I find no reference to this point in his speech. It is just skipped over—an important provision like this one. Therefore, I think it was considered or presumed that as a matter of fact, the House will agree to such a thing as this provision in the Bill.

Shri Bhatt (Bombay) : He does not think it objectionable.

Shri Deshbandhu Gupta : He may not, but the point is whether the House thinks it is objectionable or not.

Now, I come to clauses 11, 12 and 13. These clauses.....

Mr. Deputy-Speaker : The hon. Member knows too well that we are not on the clause by clause consideration of the Bill.

Shri Deshbandhu Gupta : Yes, Sir. But I am only giving a running commentary to show that the Bill is so bad in principle that it should be dropped. I will not take much time.

Clauses 11, 12, 13 and 14 are the same as those in the Emergency Powers Act and I will leave it to my lawyer friends to deal with them.

Clause 15 is another important clause. Yesterday reference was made to it by my hon. friend Shri Mishra and some other speakers. This clause, for the first time, and to a great extent, widens the scope of the security measures. What does it say?

"Every complaint.....shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the State Government, should be so demanded."

Yesterday I quoted from the Press Law of 1910 and also as the Act stands in 1931. There the upper limit is fixed in the first instance, and also the upper limit in the case of a second offence, that is Rs. 10,000 if I mistake not. To start with the limit would be Rs. 1,000 in the case of a new press and Rs. 3,000 in the case of a keeper of an old press. But in the case of the second offence which would here constitute the first offence, the local Government could not demand security for more than Rs. 10,000. But what does this liberalising Bill say? This liberalising Bill lays it

open to the Government to demand, makes it possible for the Government to specify any amount it likes. And instances are not wanting, although the public memory is short and Members when they cross the floor are apt to forget many things which they used to advocate in the past, of the closing down of papers due to the demand of securities. I would like to know whether it is not a fact that the *National Herald* had to be closed because a security of Rs. 50,000 was demanded after the third or fourth offence? Similarly the *Free Press Journal* had to be closed and many other papers in the country. Even when a limit was fixed, the tendency on the part of the executive was to demand more and more security. And here there is no limit fixed and so, is there any guarantee that the local authorities would not demand securities far beyond the limit fixed in the earlier Act that is to say Rs. 10,000? This also, in a way, gives us an indication of the working of the mind of the Government at the present moment so far as this law is concerned. It is for my lawyer friends to say whether the amount of security specified by the local Government can be reduced by the sessions judge or not.

Shri Diwakar : Of course, he can. It does not mean that the Judge will act according to the recommendations of the Government.

Shri Deshbandhu Gupta : Then I leave clauses 17 and 18 and come to clause 19. I have already given my general comments on this clause and the reaction of the press to this provision. I feel that if it is of advantage to some—may be an advantage of doubtful value—it perhaps removes the great advantage of having an appeal before the Special Bench of the High Court. It has to be weighed whether this advantage would be more than the disadvantage from the point of view of the protection of newspapers.

So far as clause 23 is concerned, there is one point which needs to be mentioned. This clause imposes a limitation on the High Court. What does it say?

"If it appears to the High Court on an application under subsection (1) of section 22 that the words, signs or visible representations contained in the newspaper, news-sheet, book or other document in respect of which the order in question was made did not contain objectionable matter within the meaning of this Act, the High Court shall set aside the order."

This is in the nature of a limitation on the High Court, because as I have said, objectionable matter has been given a very wide definition. Therefore I think this is a further limitation, so far as I have been able to read it.

Then as regards clauses 24, 25 and 26.....

Pandit Thakur Das Bhargava: The High Court cannot reduce the amount.

Shri Deshbandhu Gupta: My hon. friend over there says that the Judge can reduce the amount. But my lawyer friends here say he cannot. And as a layman I am fortified by what the lawyers say.

Clauses 24, 25, 26, 27, 28 and 31 are the same as in the Emergency Powers Act.

Now I come to clause 32. We were told both here and outside that the object of making a provision in law for deposit of security was in fact of some advantage to newspapers; otherwise they will be convicted for every offence and that conviction may be more severe. This was one aspect of the question which was placed before us. This clause knocks the bottom out of that argument. The clause says:

"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."

Unfortunately, I have the disadvantage of not being a lawyer but I am sorry that it offends against the provision in the Constitution. This clause empowers the Government to prosecute a paper in addition to the deposit of security under any other law for any act or omission which constitutes an offence under the Act. The editor of a paper can be prosecuted, for instance, under Section 124, 153, 121, or 121B of the Indian Penal Code. All these prosecutions and punishments will be additional. What is the use of saying that we are only demanding a security and there is an end to it? When this clause is there the liability is there of the editor, printer, publisher or even the keeper of a press being prosecuted. He can be prosecuted in addition to the security demanded.

I want to invite the attention of the hon. Minister to article 20(2) of the Constitution which lays down:

"No person shall be prosecuted and punished for the same offence more than once."

So this provision in the Bill offends against this basic provision in the Constitution. (Interruption). My friend says that then it becomes *ultra vires*. My complaint is that things which are obviously *ultra vires* are provided in the Act and that is exactly my argument.

Shri Diwakar: You need not bother.

Shri Deshbandhu Gupta: My hon. friend says that I need not bother. Unfortunately I am not the privileged one.

Shri Santhanam: Which punishment should come first depends upon circumstances.

Pandit Thakur Das Bhargava: That is only prevention so called.

Shri Deshbandhu Gupta: Prevention as well as punishment for the same offence.

Shri Rajagopalachari: Let him proceed. This is a very obvious point with an obvious answer.

Shri Deshbandhu Gupta: I am not inviting interruptions. If Members interrupt I have to answer. It is not my object to delay the Bill. I want the House to realise what is implied by the provisions of the Bill.

Mr. Deputy-Speaker: Constant interruptions do not create any impression one way or the other. Any hon. Member who wants to explain any points raised would do well to note down the points and reply to them in a continuous manner when his turn comes, so that others may be able to understand and judge.

Shri Deshbandhu Gupta: Then I would ask the House to consider the Statement of Objects and Reasons, which is an important statement and therefore naturally it gives us an insight into the various clauses of the Bill. In the Statement of Objects and Reasons the Minister has said:

"Government promised to introduce as soon as possible a Press Bill which would be free from the objectionable features of the Act of 1931 and be in consonance with the new Constitution. This Bill is being introduced in accordance with that undertaking."

I would like to remind you in the first place of the assurances given in this connection. The hon. Minister has reduced those assurances to the mere fact that all that the Government had undertaken was to remove the objectionable features of the Act of 1931. This is far from being a correct read-

[Shri Deshbandhu Gupta]

ing of those assurances. I would refer in this connection to the address of the President to this august House where he has said:

"Criticism was raised about the amendment relating to article 19(2) because this was said to limit the freedom of expression which is guaranteed by the Constitution. It was not and is not my Government's intention to limit the freedom of expression of opinion in any way, except when freedom becomes licence and threatens the security of the State or encourages communal discord.....It hopes to bring forward a Bill during this session which will remove those provisions from the statute book which are out-of-date and no longer necessary. Amending legislation will cover not only some laws affecting the press but also certain sections of the Indian Penal Code, and the Code of Criminal Procedure, such as sections 124(A) and 153(A), which relate to freedom of speech and expression."

I do not think that either in this Bill or in the Statement of Objects and Reasons there is any reference to amending sections 124A and 153A.

Yesterday Mr. Mishra read out an extract from the speech of the Prime Minister delivered on the floor of this House, in which he had specifically mentioned section 124A. That being the case this Bill does not provide for the repeal of that section, which has been the subject matter of so much discontent and resentment in the country during the last 30 years or more. The Press Laws Enquiry Committee also made a specific reference to it, namely that this section should go and the Mover of the Bill has reduced the scope of the Bill by saying that it is the 1931 Act with which we are concerned. Not only there is no attempt in this Bill to amend or repeal section 124A but also there are important explanations attached to old clause 4 which contained the subject matter of sections 124A and 153A. Those explanations were there with a view to protect the editor. I find that these explanations do not figure in the section which deals with objectionable matters. Those explanations were very important and I would ask the House to take note of these exceptions.

The first exception was:

"No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this

sub-section unless it has the tendency described in clause (a)."

11 A.M.

The second explanation reads: "Comments expressing disapproval of the measures of the Government with a view to obtain their abolition by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section."

The third explanation says:

"Comments expressing disapproval of the administrative or other action of the Government, without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section."

And the fourth explanation is as follows:

"Words pointing out without malicious intention..."

In criminal law intention forms a very important part in the prosecution of a person. That is why explanation (4) makes it clear:

"Words pointing out, without malicious intention and with a view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of His Majesty's subjects, shall not be deemed to be words of the nature described in clause (h) of this sub-section."

I have not been able to understand any valid reasons why these explanations have been dropped and why in the Statement of Objects and Reasons it is stated that the Bill is confined just to amending the Act of 1931. If I may say so with your permission, Sir, section 124A has been a subject on which the predecessor House and all sections of public opinion in the country have been exercised. My friend, the late Mr. Satyamurthi, whom we miss so much in this House, brought forward a Bill in the predecessor House in the year 1936. And what was that Bill? You were also present in the House at that time, Sir, as I see from the proceedings. That Bill was "The Repressive Laws Repealing and Amending Bill." I yesterday described how it is a cruel irony of fate that instead of bringing forward a measure straightaway repealing all these repressive laws, today we are having a Bill to define the crimes of the press. But

this patriotic leader had in 1936 brought forward a Bill which specifically sought to repeal section 124A and section 144.

Shri Rajagopalachari : I was wondering how my friend's argument would shape itself. If we are going into a lengthy discussion as to why amendment of section 124A is not brought into this Bill, perhaps it would assist if I give my explanation now. It is a different Bill altogether. It is ready and it will be introduced, but it cannot be mixed up with this.

Shri Deshbandhu Gupta : This is the first time that the hon. Home Minister has announced that Government has the intention to bring forward another Bill.

Shri Rajagopalachari : The Objects and Reasons here show that we are dealing only with Press laws.

Mr. Deputy-Speaker : The hon. Member need not develop that point—there are many other things which have to be repealed.

Shri Deshbandhu Gupta : This is a very important point. I am attacking the very object of the Bill. Your contention is that the object of the Bill as given in this draft is not in consonance with the assurances which were held out to this House. And that is why I say that the scope of the Bill has been narrowed to the disadvantage of the press and that is exactly why I say, what is the use of our attacking only sections of the 1931 Act? That also will not be quite correct. If you see the second paragraph of the statement, does it deal only with the Act of 1931? Is it not the effect of this Bill to amend or repeal all those sections which occur in the various Public Safety Acts of different States? Does it not say so? How does my friend provide for the removal of precensorship if the Bill is confined to the Act of 1931? My point is this: the whole genesis of this thing is that the Press Laws Enquiry Committee made certain recommendations one of the most important of them being that section 124A should be repealed. That is the section which is described as the prince of penal sections. Now the hon. Minister in his speech has announced Government's intention. I hope it is not the contention of the hon. Minister that they have not taken note of the recommendations of the Press Laws Enquiry Committee. To this day, or to this moment no declaration was ever made on behalf of the Government that the Government intended bringing forward another Bill to repeal section 124A. Moreover, I see no reason why it could not be possible, if the intention is to repeal

section 124A, to repeal it through this Bill. After all, what is the object of this Bill? It is to satisfy the press with regard to the various repressive laws which are in existence. Therefore, I say if it is an omission, it is a very strange omission, but I welcome the assurance given by the hon. Minister that Government intend to bring forward another measure repealing section 124A.

Shri Rajagopalachari : Amending.

Shri Deshbandhu Gupta : Oh! I am glad that my hon. friend has amended himself, or made it precise.

Mr. Deputy-Speaker : I have heard sufficiently on this point of section 124A. The question is whether we can discuss all that within the scope of the Bill. The Bill addresses itself to measures to be taken against presses who indulge in incitement to crime. Therefore, the question is how far section 124A is to be brought in. Are there not many other weapons that were forged by the previous Government which are still on the statute book, which was the subject-matter of Mr. Satyamurthi's Bill and which under the changed circumstances might be desirable to repeal or amend? But all that ought not to be the subject-matter of this Bill today.

Pandit Maitra (West Bengal) : Do you really suggest that section 124A has not been applied to press publications or is not capable of being applied to press publications?

Shri Rajagopalachari : I am sorry we are discussing it unnecessarily. It is quite clear that the substance that hon. Members may have in mind, as applied to the press, which is also overlapped by section 124A, is covered by this Bill but as a section of the Penal Code it is not covered by this Bill.

Pandit Maitra : My point is this. You, Sir, were really giving a decision on a point of order which was not raised. You were limiting the speaker to.....

Mr. Deputy-Speaker : It was raised by the hon. Minister.

Pandit Maitra : We are lawyer Members in this House, you are an eminent lawyer. You know very well how in the past section 124A was applied either in the case of a speech made by a public speaker or in the case of publication in newspapers or of pamphlets and things like that. The provisions regarding "objectionable matter" are to be found in that section. Therefore, without in any way differing from you and your ruling I was suggesting that it was perfectly within the right of the hon. Member to point out

[Pandit Maitra]

to the House the promise of the repeal of section 124A which was so expressly made and which at the time of amendment of the Constitution came to the fore in this House, and which extorted from the hon. Prime Minister an assurance that this prince of penal provisions would be abolished. When this does not find any mention in this amending Bill it is certainly open to the hon. Member, in my opinion, to raise that matter and tell the House that there has not been a redeeming of the pledge given in this respect.

Shri Rajagopalachari : On behalf of Government, I would like to explain the position to avoid misunderstanding which is totally unnecessary. Many pledges and assurances have been given, but they cannot all be performed together in one Bill. So far as this Bill goes, it deals with the conduct of the press and connected matters. Clause 3 here deals with matter covered by 124(a), but 124(a) as such for criminal prosecution must be provided for separately in the penal code. I admit at once that that amendment or repeal, whatever we may call it, will come. A provision will be made for the protection and the maintenance of Government as such, but that would be a penal offence, for which there will be a separate Bill. But so far as it is covered by the provisions of the Press law, clause 3 here covers it. As to why I did not introduce the Bill to amend the Penal Code in regard to 124(a) does not arise here.

Pandit Maitra : That is nobody's case.

Mr. Deputy-Speaker : It may be that some other unwholesome provisions or Bills ought to be repealed, but I doubt whether that would be relevant to the present discussion. Is it contended that if 124(a) is repealed there would be no need for this measure?

Shri Deshbandhu Gupta : No, Sir.

Mr. Deputy-Speaker : Does the hon. Member argue that this Bill can be applied in various other ways; that some other preferential method ought to be adopted, in which case there would be no need to frame a law regulating the conduct of the press. Unless some such argument is advanced, I cannot allow this discussion.

Shri Goenka : It has been proclaimed to the whole world that all the impediments in the way of the press are being removed by this Bill. My hon. friend is only referring to the fact that not only are those impediments in the way of the press not being removed but more fetters are being placed on the

press. Therefore, we say that the undertaking given by the Government has not been carried out. Since the Statement of Objects and Reasons says that they only gave an undertaking regarding the repeal of the 1931 Act, we point out that here is a non-fulfilment of Government's pledge in other respects. You cannot divorce one aspect from the other. After all, this is supposed to be a comprehensive Bill dealing with the press, and if it is then I presume we are certainly entitled to refer to the various matters which affect the press and for which special penalties have been provided in this Bill, and also which exist outside it, namely, in the Indian Penal Code. I think it is absolutely pertinent and if you prevent us from discussing the other aspect of the question which is pertinent to the subject matter of the Bill, it will be limiting the scope of the discussion.

Shri Deshbandhu Gupta : I am afraid that this matter has escaped the hon. Minister's attention. Government promised to bring forward one Bill only.

Pandit Maitra : They say they will discharge it by instalments. This is the first instalment.

Shri Deshbandhu Gupta : No statement has so far been made that there is going to be another Bill. In the Presidential Address, it was specifically said that Government will bring forward a Bill during this session which will remove those provisions including...

Mr. Deputy-Speaker : The hon. Member will kindly appreciate my difficulty. Government's non-bringing of another Bill is an independent matter, on which the Government may be moved. If they like, hon. Members can take exception and call into question the conduct of Government. But so far as this Bill is concerned, it is limited in scope. Even an ordinary man will be guilty under 124(a) even if he does not print his speeches. If he addresses a number of people and says that the Government should be overturned, he will be guilty under that section. So 124(a) is not peculiarly applicable to the press. But section 3 of this Bill is intended to correct the press. If the hon. Member digresses and goes into the general applicability of 124(a), then he is widening the scope. So far as I am able to see, 124(a) applies not only to press publications but even to oral statements. I want to know how on earth would a reference to that destroy this Bill. If it can stand in the way of this Bill, then I will allow it. Even if 124(a) is

removed from the statute book, if the press publishes some objectionable matter it is for the House to consider whether security has to be taken from the press under certain circumstances or not. Evidently, the hon. the Home Minister feels that the wording in 3(c) in this Bill is a little different from 124(a). My own feeling is that unless the repeal of 124(a) is going to stand in the way of this Bill being passed, I do not think it is relevant to refer to it except casually.

Shri Goenka : 3(i) and 3(ii) are substantially 124(a).

Shri Deshbandhu Gupta : I would draw your attention now to another passage in the Statement of Objects and Reasons :

"The definition of 'objectionable matter' has been strictly confined to this purpose. All existing laws exceeding the limits prescribed in this Bill or which are against the provisions of the Fundamental Rights guaranteed in the Constitution are specifically repealed."

How will this statement stand if 124(a) is not only not repealed, but has been as a matter of fact textually copied in one of the clauses here? The House should find out whether the restrictions which this Bill seeks to impose on the freedom of the press are in consonance with the Fundamental Rights or not. We know for a fact that section 124(a) of the I.P.C. and section 153(a) formed the background of the amendment of the Constitution. At that time, it was specifically understood then that the courts would go into the question as to how far they were compatible with the Fundamental Rights. When this Bill proclaims that after its passage there are no statutes existing which offend the Fundamental Rights, I want to know how you can divorce that. As a matter of fact, I would like the hon. Minister to admit frankly that this is a defective Bill—so defective that it does not meet the object which it really had in view; that it is not in consonance with the assurances which had been given; that it is not in keeping with the declaration made in the Presidential Address. It is not even in keeping with the declaration contained in the Statement of Objects and Reasons itself. Why then proceed with a Bill like that? That is the argument which I want to advance for the consideration of this House. After all, the object of Government, as is shown from the passages which I have read out, is to satisfy the press in respect of this matter. That is why the time of

the Parliament is being taken on this Bill. When it is not even an apology for that, what is the point in proceeding with it. That is the strongest point in favour of my argument that this Bill should be dropped and no further time of this House should be taken over it.

The Bill, as I have proved, has no merits; it cannot serve the purpose which it is meant to do. It is not a comprehensive Bill; it is not a Bill which gives relief to the press. It does not fulfil the promises given by Government. Then, what is the purpose in proceeding with it.

Shri Goenka : It fetters you further.

Shri Deshbandhu Gupta : Then, Sir, I would like to have your ruling on this point as to whether it is possible for me to refer to the provisions of the various sections which were recommended to be repealed by the Press Laws Enquiry Committee and which have not found a place in this Bill. For instance, the Press Laws Enquiry Committee recommended that section 144, so far as it applied to the press should be repealed. I want to know whether it is open to me to point out what section 144 is and why it should have been covered by this Bill. I hope, Sir, you are not limiting the scope of discussion by ruling out reference to sections of the Indian Penal Code, the Criminal Procedure Code or other laws which affect the freedom of expression either of the individual or of the press. I hope both of them should be in the same category. If, however, it is your ruling that these matters cannot be touched upon, then I think it would be best for the hon. the Home Minister to make a statement at this stage that Government intend to bring a comprehensive measure. The House would welcome such an announcement and I would be the first person to welcome it and close my speech. But as I had anticipated, there is no sign of Government bringing forward any Bill in this session of Parliament. They may perhaps do it next session, but in the meanwhile section 124A would continue to operate. That operates in a worse form under the provisions of this Bill.

Mr. Deputy-Speaker : Section 124-A will operate in addition to and independently of the provisions of this Bill. Moreover section 124A in general terms applies not only to the press but to others also. The scope of this Bill is therefore limited and sections 144 and others are not legitimately within the scope of this Bill.

Pandit Maitra : I think the point raised by my hon. friend Shri Deshbandhu Gupta is this. He wants to know, in view of the provision of sub-clause (2) of clause 34 relating to Repeals which reads as follows, he is entitled to refer to certain specific provisions of these Acts:

"Any provision contained in any of the Provincial or State Acts specified in the Second Schedule, in so far as it imposes any restrictions on the printing, publication or circulation of any newspaper, news-sheet, book or other document, whether by providing for the pre-censorship thereof, or for the demand of security from the printer or publisher, or in any other manner, shall cease to have effect."

Mr. Deputy-Speaker : The hon. Member will read the concluding portion of the sub-clause which he has quoted, particularly the words "or in any other manner". It refers to the manner in which the other Acts if they provide for pre-censorship, etc., is covered by this Act. The hon. Member knows too well that the words "in any other manner" do not refer to any extraneous matters, but those covered by the clause.

Pandit Maitra : The point raised by my hon. friend is while dealing with this question of repeal, whether or not he is entitled to make a reference to certain specific relevant provisions of other Acts which are sought to be repealed.

Mr. Deputy-Speaker : Those particular provisions which come within the provisions of clause 34 can certainly be referred to, not the whole gamut of those Acts. As far as I can see section 144 does not come within it.

Shri Deshbandhu Gupta : Sir, I am very glad that you have not limited the scope of discussion on this Bill by your ruling.

Mr. Deputy-Speaker : It ought not to be misunderstood. I have not enlarged the scope of the Bill.

Shri Deshbandhu Gupta : You have allowed some scope and I will try to confine myself to that.

Now, Sir, I was pointing out to the House the second part of the Statement of Objects and Reasons which refers to Fundamental Rights.

Mr. Deputy-Speaker : The hon. Member would be aware that the Statement of Objects and Reasons does not form part of the Bill.

Shri Deshbandhu Gupta : That forms the very soul.

Pandit Maitra : Before the Bill is enacted into law you can refer to it.

Shri Deshbandhu Gupta : The House would be aware that when discussions took place in this House on the Amendment to the Constitution Bill, apprehensions were expressed on behalf of the press that the scope of the provisions was being enlarged by amendment to article 19(2) of the Constitution and it would be open for any Government to further tighten the grip and operate the press law in a manner that it may go against the freedom of the press. I think I have shown that the various provisions contained in this Bill do seek to limit the liberty that is now enjoyed by the press today. I would therefore suggest once more for the consideration of Government whether it is profitable to proceed with this Bill. Anyway, I would not like to dwell on this point any more.

I would now draw the attention of the House to the opinions which have been expressed during the very limited period which was allowed to the public to express their opinion on.

The All India Newspaper Editors' Conference, with which my hon. friend did the honour of discussing the substance of this Bill when this Bill was in the offing, has passed a resolution. A special meeting was convened of a body which was appointed to consider this Bill. This meeting was held only a week back, and this meeting has passed the following resolution:

"This meeting of the Special Committee appointed by the Standing Committee of the A.I.N.E.C. to consider the Bill to amend the Press Laws records its strong protest against some of the main provisions of the Bill. It is of the view that the Bill as introduced in Parliament fails to carry out all the assurances given by the Prime Minister and the Home Minister, and while retaining some of the obnoxious features of the existing repressive press legislation, is in some respects even more stringent than the laws which it seeks to repeal. This Committee is therefore of the opinion that the Bill should be revised in the light of those assurances, and that in any event, it should not be rushed, through the present session of Parliament without adequate time being given for eliciting public opinion."

This is the opinion expressed by the Editors' Conference which is a body consisting of persons who are vitally concerned with the subject-matter of this Bill.

There has been a tendency on the part of some Members or maybe on the part of some Ministers, to draw a distinction between the newspapers as such and journalists as such. There are two organisations now in India, one representing the newspaper editors and the other representing the journalists. I am glad to say that so far as the journalists are concerned they have condemned this Bill in still stronger terms. I do not know whether the attention of my hon. friend has been drawn to the various resolutions that have been passed by the Journalists' Federations in different Provinces. It was published in yesterday's morning papers that the U.P. Journalists' Association passed a resolution saying that "under the cloak of some improvements that are being suggested, the grip of the law is being tightened". This meeting was attended amongst others by the editor of the *National Herald*, Mr. Chalapati Rao who is also the President of the All-India Journalists' Federation. He has also expressed his views in the columns of his paper, the *National Herald*, which was read out yesterday.

Then, I hold in my hands the resolutions passed by other bodies. The Executive Committee of the Southern India Journalists' Federation met in Madras on September 3rd and had a general discussion on the Press Bill. It recorded the view that "the Bill, while proposing an improvement on the existing laws in one or two particulars, was still largely dominated by the ideas and viewpoints which were responsible for the forging of many fetters on the press in the past".

Similar resolutions have been passed by different bodies in other Provinces of the journalists and the provincial bodies of the Editors' Conference.

श्री भट्ट : उत्तर प्रदेश के पत्रकारों में से कोई है ? जहाँ से डी० डी० पन्त जी बयारहूँ है ?

[Shri Bhatt: Are there among them any journalists from Uttar Pradesh to which Shri D. D. Pant and others belong?]

Shri Deshbandhu Gupta: Yesterday the resolution of the U.P. Journalists' Association appeared in the newspapers. Unfortunately I have not got it with me, but it stated that under

the cloak of some amendments or improvements to the existing law the grip is being tightened. That was the substance of the resolution. That was the resolution of the U.P. Journalists' Association one of the members of which is Mr. Chalapati Rao who is also the President of the Indian Federation of Journalists. So it is an important body, and it has expressed strong condemnation and disappointment so far as this Bill is concerned.

If time is allowed for public opinion to be expressed, as on a measure like this it should have been allowed, I am sure the hon. Minister would be convinced beyond doubt that barring a paper here or there the entire press is united in condemning this Bill.

The *Hindu* has expressed the following opinion about this Bill:

"Except in the one or two features, the Bill aims generally at perpetuating the old order of things. It marks no appreciable advance on the stand taken by the Government in regard to the very moderate recommendations of the Press Laws Enquiry Committee. And its main provisions would constitute so powerful a curb on that freedom of the Press which all democratic countries rightly regard as the Ark of the Covenant that Parliament would be stultifying itself if it assented to them."

This is what the *Hindu* has said. I am sorry I cannot quote anything from the *Hindustan Times* of that type, although it has taken mild exception to the provisions of clause 3. But so far as other papers are concerned, take for instance the *Free Press Journal*, if styled it as a "black Bill". This is what that paper said:

"The Press (Incitement to Crime) Bill is comparable to the Black Rowlatt Bills which led Gandhiji to launch the first civil disobedience movement. The Bill is an enlarged edition of Section 108 of the Criminal Procedure Code designed to deal with a criminal class by calling for security for good behaviour and failing security to commit to prison. The British rulers misused Section 108 of the Criminal Procedure Code against Congressmen; tens of thousands of Congressmen courted prison cheerfully.

The category of offences set out in the Bill is wide, all-embracing and far-reaching, that any newspaper, however responsible, can be brought within its purview."

[Shri Deshbandhu Gupta]

The *Indian Express*, Madras and the *Times of India* have expressed their comments on this Bill. This is what the *Times of India* said:

"If the freedom of the journalist is no more than the freedom of the ordinary citizen, equity demands that the penalties prescribed for both should be similar. Judged by this yardstick, the Press (Incitement to Crime) Bill introduced in Parliament last week is discriminatory. It makes it (Press) liable to special punishments for special offences, and the fact that, unlike previous enactments, punishment will follow and not precede a likely commission of offence does not detract from its essentially punitive bias. Preventive measures such as pre-censorship go but punitive procedures whose effect is really preventive remain."

And it has criticised the various clauses.

This is what the *Pioneer* says:

"With all its surface smoothness and plausibility the Press Bill has savage, steely claws which will have to be pared carefully before—if at all—it is let loose on the Fourth Estate."

I have got with me the comments of the *Tribune*, the *Indian Nation*, the *Swadesamitran* and other papers. All papers are critical so far as this Bill is concerned.

The *Bombay Chronicle* says:

"The very title of the present Bill—The Press (Incitement to Crime) Bill 1951—shows in what poor opinion the Government holds the press. There may be a journal or two which may incite its readers to crime but the press as a whole has a more important duty to perform. A glance through the Bill will show that all the offences thought of are punishable under the ordinary law and there does not seem to be any need to provide for a separate Act to govern the press. The provision of a trial by a sessions judge and jury is so much moonshine as neither judges nor juries make law but only interpret it and the Bill is so vague and elastic that it may be interpreted to the detriment of the press."

I would not take the time of the House by reading more comments from papers. One reason why I suggested

in my motion that this Bill should be circulated for public opinion is that widespread resentment has been expressed by the press against this. If you were to read the comments of the language papers, you will find that they are still more violent in their expression of condemnation of the various provisions of this Bill. That is so far as the opinion expressed on this Bill is concerned.

Then I come to another aspect of the question, which has to be taken note of. We are jealous of our reputation in the outer world and more so our hon. Prime Minister is jealous of the reputation of the press and the country as a whole in the outside world and it is a matter of pride that we hold a very high position in the estimation of the people of outside world. It was perhaps in view of this consideration which the hon. Prime Minister has for the reputation of the country in a matter like this that while he attended the conference of the editors—the last session of the conference of the All India Newspaper Editors—in Delhi, he laid down the policy of his Government *vis-a-vis* the press in the following words. Those are memorable words of which any country can be proud of. The Prime Minister said in the course of his speech:

"I have no doubt in my mind that the freedom of the press from the larger point of view, not as a slogan, is an essential attribute of the democratic process and that from any point of view, even the narrowest point of view, or shall I say of Government disliking these things or considering them dangerous even from that point of view, it is bad to interfere with the freedom, because ultimately you do not cure, though you merely suppress the public manifestation of it and that idea and that thought spreads."

Therefore, I would like the House to take note of these words. The hon. Prime Minister said less than a year back:

"I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press."

Here is the declaration of policy as made by the hon. Prime Minister in the session of a responsible body held in Delhi only a few months back. I want the House to realize whether we would not be stultifying ourselves in view of the declaration of this policy if we pass

a measure like this today. What will be the effect that the passage of this measure will create in the outside world? Already the House is aware that when the amendment of the Constitution was made, very unkind comments were made throughout the world. Although at that time it was only an enabling Bill and a permissive Bill. At that stage, the House is aware that the hon. Prime Minister read out extracts in his own speech twice in this House and he made references to those comments which were very discouraging and distressing to us, which were made throughout the world, in that talk.

Now I want this House to realize what will be the reaction of this Bill on the world? I am afraid, the little reputation that we have built up ever since Government took charge of the reins of office would be lost. The hon. Prime Minister claimed in that very speech, to which I have already made a reference that today the Indian press enjoys the maximum freedom. I also took pride in expressing similar statements in my presidential address in that body. It is a fact today in spite of so many Bills which disfigure our statutes, in practice an effort has been made particularly before the Constitution was amended that the spirit of the Constitution should be carried out and there should be no interference with the freedom of the press. The memorable judgments of the Supreme Court made it abundantly clear that the freedom enjoyed by the press of India was in no way less than that enjoyed by any other country in the world.

- **Pandit Thakur Das Bhargava :** Much more.

Shri Deshbandhu Gupta : It was in fact as my hon. friend, Pandit Thakur Das Bhargava says. He was the Chairman of a Committee appointed by the Congress Party to go into this question but whose recommendations, I am afraid, were not heeded to. He holds the view that the freedom of the press enjoyed today in the country is much more. We are really proud of it, but the point that I was making out is: Should we not be jealous of that reputation? Should we give an opportunity to the world to say that there is no difference so far as India and Pakistan or any other eastern countries are concerned. Only the other day statements were made in this House by the hon. Prime Minister when we pointed out certain objectionable matters which appeared in the Pakistan papers and they retaliate

by saying that we have also been publishing similar things. What is the defence that we have put forward. The right defence is that the press in India is not a controlled press. Any newspaper is free to comment as it thinks fit on the events. That being the case, I want to ask whether we would be doing any service to ourselves, and to the country by bringing such a measure on the statute and exposing ourselves to the charge of the world that the press in India is a controlled press.

Here it would not be out of place if I refer you to the amount of latitude given to the press in other countries. I may say that the Press Laws Inquiry Committee report has itself made a very exhaustive review of the freedom allowed to different newspapers in different countries. So far as I know in no other democratic country except perhaps in Turkey, Syria and Egypt—may be some other small country—there is provision for demanding security from the newspapers.

An Hon. Member : Not even in Russia?

Shri Deshbandhu Gupta : Russia is a different story. If Russia is to be copied, there may be other compensations.

Shri Rajagopalachari : No security is taken there.

Shri Deshbandhu Gupta : I will only refer briefly to what the Press Law Inquiry Committee says about the freedom enjoyed in other countries. The Press Laws Enquiry Committee has summed up the position thus:

"In U.S.A., the constitutional provisions regarding the freedom of the Press are contained in article 1 of the First Amendment (1791) to the American Constitution which states 'The Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press...' No special Press Regulations exist in U.S.A., but provisions similar to section 26 of the Indian Post Office Act exist under which the Post-Master General has the power to deny the use of the mails to any publication which in his opinion is obscene."

This is the limitation placed in the U.S.A. U.S.A., of course, is an advanced country. There is a constitutional guarantee that even the Congress cannot abridge the freedom of the press.

Shri B. Das (Orissa): It is an yellow press.

Shri Deshbandhu Gupta: Coming to England, I wish to quote the following:

"In England, the Press has a maximum of liberty. Although the freedom of the Press is not safeguarded by any special constitutional or legal provisions, there is no Press law as such; the Press falls under the common law which also determines the legal liabilities of the Press. The number of special Acts dealing with the Press is small."

This is what obtains in England.

This is not all. I have in my possession, here, a copy of the report of the Seventh Imperial Press Conference. This conference consists of representatives of the press of the Commonwealth countries. A meeting was held in May, 1951; very recently. What is the stand which this Conference has taken on the question of the freedom of the press? This is embodied in the following resolution:

"This Conference endorses the declaration of policy in regard to Press freedom by the Council of the Empire Press Union on 14th March, 1950, in these terms:

"The Press should enjoy by right the full freedom of expression that is secured to every individual, which freedom should in no case be restricted, save for specific transgression, proved to the satisfaction of a competent court of justice, of the known and generally applicable law.

No separate limitations of the exercise by the Press of the rights of the individual are necessary or tolerable except during declared national emergencies."

This is the stand which the Empire Press Union which has representatives from all the Commonwealth countries has taken on the liberty of the press. I want this House to realise whether in view of this stand taken by the democratically governed countries, we will be able to justify ourselves, if we pass a legislation of this kind today, in the first Parliament of free India. I apprehend that we will go down in the estimation of other people and we will be inviting a lot of criticism saying that the freedom of the press is limited in India.

In fact, some of my journalist friends who have been to foreign countries

recently have complained to me on this aspect of the question. For instance, a representative of the A.I.N.E.C. visited Australia very recently and also visited some other countries on his way back: I mean my respectable friend Mr. J. N. Sahni. He has come back only last week. He told me that in various places he was considerably embarrassed by the questions that were asked of him: "What is this; in a free India you are limiting the freedom of the Press"; and that it took him some effort to explain the position. Similarly, my friend Mr. Rangaswami who is the Secretary of the Press Union and who represents the *Hindu*, went recently to the United Kingdom. He also had a similar experience. All sorts of questions, all manner of questions were asked of these representatives and they were called upon to explain why this retrograde step is being taken by our Government. In view of the categorical declaration of the Prime Minister that I just read out that he does not want a controlled and regulated press and that he is prepared to take all the risks, we find it difficult to defend if such legislations are brought on the statute book. This is an important aspect of the question, and I would beg this House and the Government not to forget that aspect of the question while they decide to proceed or not to proceed with this Bill.

There is yet another aspect of the question, and that is an important aspect to be borne in mind. Today, being a free country, we are represented on all International bodies. There is a body, a branch of the United Nations Organisation which deals with freedom of information. No less a person than my hon. friend Mr. Devadas Gandhi represents the press of India on that body. The other day, I met the representative of a big foreign paper. He said that the stand taken by the representatives of India in these bodies is that Britain has been cruel to the Papers in the different colonies, in imposing restrictions on them. He said: "you have subjected us to very severe criticism for any limitations we have imposed on the colonial press". Today, how are you going to defend yourself if your own Government imposes restrictions on your press? Can you tomorrow go to that Conference and say that Britain is not right in imposing restrictions on the colonial press? That is another aspect of the question. We will be considerably embarrassing our representatives on international bodies by allowing this Bill to be passed.

Shri Kamath (Madhya Pradesh): Without being personal, I believe Mr. Devadas Gandhi has conveyed his view to the hon. Home Minister.

Shri Rajagopalachari: I have not yet met him.

Shri Goenka: He has not yet come.

Shri Deshbandhu Gupta: One argument is likely to appeal to the House that it was right to criticise any press legislation if it were a foreign Government. I do not deny the weight of that argument. Some hon. Members are inclined to take a very light view of things in view of the fact that it is after all our own national Government which will be called upon to administer this law. I am part of that Government, as they say even Members who do not form part of the Treasury Benches are members of the Government. But, I would like this House to realise that we are passing a general law and it would be very wrong for any democratically governed country or Government to think that they will continue there for all time to come. If you are legislating today in

12 Noon.

all conscience or from the point of view that you are there today and tomorrow there would not be another Government hostile to your views which will take and use these particular provisions against you, then I think it would be a very narrow view to take. In this connection I am reminded of a very interesting argument which the late Shri Satyamurty used while he was moving his Bill for the repeal of section 124A and other repressive sections. And you, Sir, might have been present in the House at that time. Shri Satyamurty was interrupted by the then Law Member.....

An Hon. Member: Who was that?

Shri Deshbandhu Gupta: Sir Nripendra Sircar was the Law Member. Well, the argument then was: "You are going to get the same thing." And what was the reply that Shri Satyamurty gave? He said:

"I merely say this; that an irremovable executive has no need to punish the Opposition and nothing to fear from them. But an executive whose tenure of life depends upon fighting the Opposition and keeping them in a minority has a tremendous temptation to use all weapons in its power, in order to prevent the Opposition from ever coming into power. I, therefore, suggest, Sir, seriously, as one who understands the implications of

democratic Government, that to leave to political parties in the provinces this powerful weapon will not help the development of those responsible political parties, on whose development alone we can hope for real responsible Government in the provinces. As one who feels that he will be in a majority for all time to come, I am willing to pass a self-denying ordinance on myself. I do not want even the Congress Ministries to have this power in their hands."

I will not dilate further on this point. This discussion appears in the Debates of 1936, Vol. II and the hon. Home Minister and other hon. Members, if they feel interested, can read it and refresh themselves as to what were the arguments that were used at that time when the repeal of these repressive laws were under consideration. But my plea is that a popular Government should not be trusted with arbitrary powers to deal with the freedom of the press, for the simple reason that that popular Government happens to be in power at that time. We are legislating not for short periods. This is not an emergency legislation, and that is another argument that I wanted to emphasise. All these provisions of an emergency Act have been bodily copied here and the whole approach is that of an emergency measure, whereas we are not, as a matter of fact, legislating for an emergency period. This is going to be the law of the land and it is the law of the land that we are going to lay down here, for all time. It is well to remember this distinct difference. In this connection I would like to remind the House of an important speech which Sir Henry Craik made when the Criminal Law Amendment Bill of 1935 was under consideration. He gave the background of that law which was for a limited period and which was later made permanent by amending a section. Three reasons were advanced at that time for making the law permanent and it is interesting to note them. The first or one of them was the Civil Disobedience Movement itself. He said:

"It is, in our opinion, impossible to foresee within a reasonable time the cessation of the terrorist movement or of the communal unrest against both of which the provisions of this Bill are intended as safeguard. It is not possible for us to say definitely that there is no chance within the next few years, of a revival of the Civil Disobedience Movement, possibly, in another form."

[Shri Deshbandhu Gupta]

And now it is sought to revive those laws, and not only to revive them, but to put them on the Statute book as part of the general law and this is something which I at least, find it very difficult to understand why and very difficult to acquiesce in.

I have dealt with different aspects of the question. Now the last point to which I would like to draw the attention of hon. Members is whether the present law is not sufficient to cover the exigencies of the situation. I was reading the debate on the Press Bill of 1908 and there I read the speech delivered by the late revered Pandit Madan Mohan Malaviya. In opposing that Bill he said.....

Mr. Deputy-Speaker : Does the hon. Member want the continuance of the Press Emergency Act of 1931? He asks whether the present laws are not sufficient. Does that mean that the previous law of 1931 should be continued?

Shri Deshbandhu Gupta : No, Sir. I am coming to that. In that speech of his Pandit Madan Mohan Malaviya pointed out to section 108 of the Criminal Procedure Code and said that that section gave ample powers to the Government to take whatever action they wanted to. Then again, Sir, here are other sections, 124A, 153A and so on. There is an armoury of repressive laws in our Statutes and there is no reason or necessity for our Government to come before this House for having yet another law which, in some respects, goes even beyond what is provided for in these different laws.

I would not like to take up any more time of the House. I know this is a very important measure and many hon. Members have to make their contributions to the debate on it. I may, however, remind the House that Sir Henry Craik said in that debate that it took the House nineteen days to discuss that Bill—when the Criminal Law Amendment Bill was passed. So if I have taken two or three hours of the House I am sure I have not exceeded the bounds of the requirements of the circumstances.

Pandit Maitra : The whole session was taken up by it.

Shri Deshbandhu Gupta : I only wish to appeal to the Government not to proceed with this Bill. They should drop it. The hon. the Home Minister said that Government intend to bring in another measure to amend section 124A and the like. That is all the

more the reason why there should be a comprehensive Bill dealing with all aspects of the question of the freedom of expression and of speech. And so I would appeal to the hon. Home Minister and to the House that this Bill may not be proceeded with.

As to the freedom of the press and all that, it is a very big subject on which one can go on quoting chapter and verse as to what is happening in other countries and all that.

[SHRIMATI DURGABAI in the Chair]

In conclusion I only wish to say it to the hon. Minister that the press of India has a glorious past. Examples might have come to the notice of the hon. Minister—and I can assure him that in that the Government are not the only victims—of attacks by the press. I have had it and the hon. Minister knows it for a fact, that for the simple reason that on a given exigency or situation, when the Kashmir question came before us I moved and persuaded the press and the Standing Committee of the A.I.N.E.C. to postpone the *hartal* which they had decided to observe as a mark of protest against the amendment of the Constitution. Hon. Members of this House are aware that I have been pilloried as a man who has betrayed the interests of the press. And all such unkind things were said by the same papers which only the other day were praising the stand that I had taken. They took me severely to task. But I did not mind it. Why should I mind it? They are free to say what they feel. We have a free press in our land and they have got every right to criticise the action of a public man, whether he be a Minister or whether he be a humble worker. Worse things have been said about us than has been said about Ministers. There was a special number of an influential weekly of Bombay which was mainly devoted to criticising the action which I had taken. Even yesterday an hon. Member referred to it. My friend Mr. Goenka was wild with me. I did not mind all that. When you choose to be a public man you must be able to withstand criticism. This is only a stage in the development and progress of journalism in this country. You should not be carried away by the criticism of some papers. I do not defend their writings. I am not proud of them. I am sorry that there are papers in the country which have been indulging in malicious writing and scurrilous writing as also in falsehoods. The A.I.N.E.C. is not unmindful of it. They have taken note of it and have passed resolutions and published them,

although we have no more power than exercising our moral pressure. In democratic countries the one important check on such writings is the opposition papers. I was reading through the debate of 1910 and I found that the Home Minister then said that they had **very few papers** to support them and that was the reason why he wanted the Press Act of 1910. He said that there were all sorts of nationalist newspapers carrying on propaganda against the Government and the Government had so few papers to support them in those days. Today the case is just the reverse. As a general rule, and the Minister will concede it, the press is a responsible one of which the country can be proud. I do not think it is the case of Government that today the generality of the Indian press is unkind to the Government. In fact it is for such support to the Government that most of us are being called names. They say to me "You are a Yes-man and you support the Government whatever it decides." That charge is made against many responsible newspapers in the country. It should be remembered that the press of Indig has had its share in the struggle for the freedom of the country. The hon. Minister must know how many papers voluntarily closed their shop on the 9th August when Mahatma Gandhi decided that all papers should close. I would not like to make any personal references. I can quote names and they form a chapter in our history of which we can be proud. My friend Mr. Feroz Gandhi sitting behind me talks of the *National Herald*. Mr. Ramnath Goenka, the much maligned man in this House in this connection, closed all his papers at a moment's notice, irrespective of the fact that rival papers were coming out. He did not count at that time his annas and pies. Today the argument is advanced in all seriousness that there is a special situation to deal with because newspapers are printed in such large numbers and hence there must be a press legislation. Even in 1942 the same machinery was there which was capable of producing lakhs and lakhs of copies within a few hours. It is a development of which we need not be frightened, although we are far behind other advanced countries of the West. The moment the resolution was passed it did not take me more than a minute to send a telegram to Bombay asking my people to close their shop. So many newspapers were closed. The press of the *National Herald* was seized and sealed for three or four years. The same was the case with the *Free Press Journal*, which was critical and inolerant. So there is a

history behind it. If the representatives of the press in the House plead that the House should take a dispassionate view of the situation and that it is not in the interest of the country to impose any restrictions on the press, let them not be called names. Have they ceased to be patriots? Are they no longer the friends of the country? I assure you that cannot be the case of the Government.

That being so, the press has expressed itself in unmistakable terms against the Bill. The *Statesman* wrote yesterday that there may have been a difference of opinion so far as the amendment of the Constitution was concerned, for after all the emphasis was that it was only an enabling measure, but so far as this Bill is concerned the entire press is one that it should not be passed. Instead of helping the press it creates new impediments in the way of the press. That being so, what cause will Government serve by getting this Bill passed? Both the House and the Government will be stultifying themselves. They will get a bad name outside and we will have a discontented and critical press. I know political parties which are opposed to the Congress will welcome the passage of the Bill. By an act of in expediency on the part of the Government they will be having support from a section of the press which they had not expected. After all the cumulative writings in the press do have an effect. (*Interruption*). I am sorry I forgot that my friend Prof. Ranga represents a party. Although he has a different party in this context I took him to be part of the Congress party. Government will not achieve any purpose by this Bill and no benefit will accrue. In all humility I would beseech the Home Minister and through him the Government of India that this Bill should be dropped and not proceeded with. If they would not listen to the appeal they should at least circulate it for eliciting public opinion.

Prof. Ranga (Madras): I am glad to get this opportunity of speaking soon after my friend Mr. Deshbandhu Gupta concluded his speech, because by an inadvertance, which is generally rare with him, he began to exhort the Home Minister to remember the fact that the opposition parties are likely to take advantage of the blunder that this Government might be making in getting this law passed. I wish to assure him as well as the House anyhow that so far as some of us are concerned I am convinced that other parties either in

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the country or in the House are not anxious to take advantage of the attitude of this Government in regard to this Bill or the attitude of some of the Members of this House in fighting out their election battles. If we want to win the approval of the electorate for our programmes and policies, we certainly would like to stand upon other items of public life, in regard to which people feel very strongly. We do not wish to take any undue advantage of either this Bill or the attitude that might be adopted eventually by this House, by the majority party or by the Government. We are fully aware of the fact that quite a large number of Members of the Congress party are themselves not in favour of this Bill. We are also aware of the fact that the Government for their own reasons wish to pass this Bill in order to safeguard the interests which they think ought to be safeguarded.

Therefore, let us consider the merits and demerits of this Bill entirely independent of our presence in this House as different political parties and of our political attitudes in the coming elections. What is to be our attitude in regard to this Bill? I have given deep consideration to this matter during the last one week. I was wondering whether it would be possible at all for us to support my hon. friend, the Home Minister. I tried my best to argue with myself that I should try and support my hon. friend for various reasons. One is my own old association with him from those Elysian days when we were jail mates in Vellore in 1931-32 when, senior though he was, he used to take me into his confidence and help me to understand various problems that were very near and close to his own heart. He even used to help me in my moments of depression with the coffee that he himself used to make in that jail. Therefore, I am extremely anxious to avoid occasions when I would have to oppose him on things about which he feels very strongly. I tried my best to see whether I could not by any stretch of imagination support this Bill, and I began to find quite a number of points on which I thought I was in agreement with him. I am sure quite a number of other hon. Members must already have laid stress on those points.

If we are to look at this Bill from the administrative view point I do find that there is quite a lot to commend it. He makes it very easy for the press to get justice in courts because he has provided, for the first time I think, a jury chosen by the press themselves to

assist the courts in coming to their conclusions. I approve of that.

Shri Bhatt: Not chosen by the press.

Prof. Ranga: Chosen out of a panel which is suggested by the press.

Some Hon. Members: No. no.

Shri Bhatt: From among public men.

Prof. Ranga: From out of a panel of public men whom I am sure Government will try to select from among journalists, generally speaking, and he has himself stated so. Therefore, there is much to commend it to that extent. Secondly, in the past security used to be demanded from presses by a mere fiat of the executive Government. Tomorrow it cannot be done; it can be done only on the orders of either a district or a sessions judge. I am not prepared to agree with my hon. friend, Prof. Shibban Lal Saksena in his remarks about the sessions judges. There I do agree with my hon. friend, the Home Minister who rose in righteous indignation about those remarks and wanted to say something in favour of the sessions judges. Thirdly, it would be difficult hereafter for the executive Government to express their ill-will towards any press or any printer or publisher in an arbitrary fashion as was the case in the past. All these things are there in favour of the Bill. But prominent consideration should be given to clause 3 where "objectionable matter" has been defined. This is also the gravamen of the charge of most hon. Members who are against this Bill. Why is it that the hon. Minister is very keen on spreading his net so far and so wide that nobody can possibly escape from the clutches of this Bill when it becomes law? I can understand his anxiety to catch hold of those presses and publishers who are behaving too badly. I can also understand his anxiety to prevent grossly indecent or scurrilous or obscene publications. Very many hon. friends have wondered whether even these words may not be misinterpreted by courts. Then my hon. friend the Home Minister said that indecent was itself a strong word; they had qualified it by 'grossly'; so, why should they not be satisfied with it. I am unable to agree with him. It would be practically impossible for any judge to find fault with any writing as being grossly indecent. Supposing one sessions judge considers any particular matter to be grossly indecent it would be very easy indeed for a High Court to dismiss it because it is left so much to the mind of the man. The Home Minister said that our standards have gone so low that

what we used to consider to be indecent at one time does not seem to be treated by many people as indecent at the present time. Therefore, I say that when we have qualified it as 'grossly' indecent it is quite possible for a judge to dismiss a particular complaint saying: "Look here. This may be indecent, but it is not grossly indecent. Therefore, dash it all. I am not going to make an order." In these circumstances we need not be afraid of this adjective "grossly". On the other hand, I think Government have made themselves extremely weak by using the adjective "grossly". I do not think any prosecution can possibly stand after this qualification.

Then there is "scurrilous" and "obscene". What is obscenity? It is difficult to say. It depends upon the period in which you discuss anything. It depends upon the general standard of public opinion. It depends also upon the play of public opinion when these judges happened to be school children and college boys, making their first innings in life. It is easy for people to misinterpret and misuse it. Had we given the executive power to interpret these things, I would have attached more importance to the objections that we are raising than I am inclined to do at present. We are leaving it to the courts. It may be said that courts also are liable to make mistakes. I admit that, but would they be prejudiced? In order to protect ourselves against their mistakes and their prejudices we have provided a jury. If you like, let the Select Committee make it clear what sort of jury it should be. Let them say that public men ought not to be imported into this and only journalists of real repute should be taken into the panel. I can understand that approach but merely to say that the whole of this is too loose and therefore it should be dismissed is, I am afraid, to fly in the face of facts. There are some papers who call people bastards. They say that somebody's funeral is taking place. There were instances when people sent condolences to the relatives of the deceased because they did not understand what it meant. There are some papers that talk about the family and personal life of people and so many other things. Who can better understand the depravity of this than the Home Minister himself? There was a paper in Madras which said all sorts of horrible things against Rajaji during the war when he had the courage to stand up to Babu himself and take his own line. I did not agree with him

then. I was angry with him too. When I was told that some paper had taken him to task I was not displeased. When I was told of the manner in which that paper had taken him to task and quoted what Babu was believed to have said and what Rajaji had said in reply, I could not believe it. I thought I should admire a man who had the courage to come forward and place the whole of his public life before the High Court and the pros and cons of it to be discussed in the manner in which the prosecuting counsel and the defendant's counsel is accustomed to speak in our courts. The High Court itself was not very friendly in those days and it needed a lot of courage to show any consideration to a man like Rajaji. But in the end he came out unscathed.

How many of us can have the courage to go to the courts in this fashion? Supposing you do go to the courts,—before you do that you have to give notice to the papers. If we give notice to the papers, they may offer their apologies. But in the process of offering their apology they can do a lot of injury by saying if only these were to be true we would certainly be unhappy. Supposing you get some papers to offer their unqualified apology, there are a number of other papers in this country which are prepared to copy the earlier accusation and go on printing it with impunity. Many of these papers may not come to the notice of so many of us and if that is so in our case what must be the position of a large number of political workers in the country. Even if a paper had offered its apology other papers go on repeating it. How many times can you go to the lawyer and give notice to these people? How many times can you go to the High Court.

Shri M. P. Mishra (Bihar): There is the law of libel.

Prof. Ranga: If one High Court gives one verdict, it does not prevent the other papers repeating it without the knowledge of the poor man concerned. And there is no redress at all. Would you expect Congress workers or Praja Party workers, or Hindu Mahasabha workers to have so much of funds at their disposal to be going about from High Court to High Court in order to haul up these people? It is an impossible business. Therefore, I say that it is necessary to have some safeguard. I raised my voice even at the time when the Constitution Amendment Bill was on the anvil and said that some step should be taken by the Government in order to prevent such grossly indecent and scurrilous writings.

An Hon. Member: Create public opinion.

Pandit Thakur Das Bhargava: Defamation is not mentioned in clause 3.

Prof. Ranga: I am not talking of defamation. To say Pandit Thakur Das Bhargava is being taken in such and such a manner in a public bazaar I do not know whether you would call it scurrilous, obscene or grossly indecent. But it is certainly something in between these three and it ought to be prevented and prohibited. What will happen is this. I can tell you it will be impossible for any Government—your brothers' or anybody's Government—to implement this provision and prevent the mischief. In fact I do not know why my hon. friend the Home Minister has put in these words and come up for so much trouble and criticism in this House.

Then I come to the other sub-clause—"incite, or encourage or tend to encourage any person to commit murder" I am sure there are no two opinions about it. In regard to sub-clause (i) "incite or encourage or tend to incite or encourage any person to resort to violence....." also there cannot be any two opinions.

Sub-clause (iv) reads as "tend to reduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty" and so on. I am sure nobody can take objection to that.

Sub-clause (v) is "are calculated to induce a public servant or servant of a local authority to do any act, or to forbear or delay to do any act, connected with the exercise of his public functions otherwise than according to law". I do not think there can be any objection. Of course I can myself take objection. When I am a revolutionary and I am on the path towards the achievement of revolution I would not like to take objection to all these things. What do I care for all this? When I want to upset this Government, when I want to change the society upside down, these things are not going to come in my way. I am prepared to take all the penalties provided in this Bill. Myself and my followers will not be worth their salt if they are not prepared to treat this as a sort of a scrap of paper and publish whatever they like and go to jail.

Shri Goenka: This Bill is not for you.

Prof. Ranga: I am coming to you also. Therefore a revolutionary need not be afraid of it. I am looking at it that way. I want a social revolution in this country and I am not bothered about it. (*An Hon. Member:* You want more fetters?) I am not afraid of these things. But as long as I want to be a law-abiding citizen and want peaceful conditions in the country in which I wish to achieve more and more of democracy, then certainly there must be a law, and the law must be obeyed by everybody including myself, including the revolutionaries themselves. And as long as I want to abide by the law we will have to consider the convenience of our friends like Mr. Goenka. And when I consider their convenience I find that no objection can be raised to these things. That is how I am looking at it.

Then I will come to my points of objection. There is this word 'sabotage'. Of course we have a general idea of sabotage. But it can be misinterpreted also. It can be interpreted in such a way that anything and everything can be brought under its mischief, in which case many people will be dragged to the courts. Therefore it has got to be carefully defined. Its scope has got to be restricted so that we will know what is meant by this 'sabotage'. What do we mean by sabotage? We hear about so many accidents on the railways; somebody removes the fish plates. That should be treated as an act of sabotage. I am sure most people would agree to it. Are we to mean that when food is being unloaded in our country in Bombay—not the go-slow process—but going on a strike and preventing that stuff from being unloaded ought to be treated as sabotage? If the State were to take up the responsibility of feeding the people, then certainly it is the duty of the State to consider any such obstruction as sabotage.

Shri Santhanam: I do not think it is 'sabotage'. It may be other crimes.

Prof. Ranga: I am now thinking aloud. It may be treated as sabotage because it comes in the way of the State discharging its primary responsibility of feeding the people. If, on the other hand, there are some profiteers, who are interested in the unloading of the stuff, and they do not pay proper wages to their employees—although it may be considered to be 'feeding' in a sort of far-fetched fashion—it ought not to be treated as sabotage. Then the State should come in and hold the scales even between the employers and the employees and see to it that the

causes for any discontent on the part of the workers are removed. Then again, there are a number of industries. Here is this Sindri Fertilizer Factory. Very soon, we are told, it will come into production. Suppose there is a strike there. Are we to treat it as an act of sabotage? We should not. I know my hon. friend Mr. Santhanam is worried and he thinks I am going astray. It is not always that 'sabotage' is understood as merely removing fish plates here or going and setting fire to a gun factory or a magazine factory there. It can be stretched in this fashion, and there are people and people in this country and if they begin to stretch it in this fashion it is going to be difficult. Therefore we have to carefully analyse it. I am not going to do it now. I am only giving you the layman's way of looking at the two sides of it. It can be sabotage or it cannot be sabotage. Therefore, this word 'sabotage' should either be left out of it, or, if you want to keep it at all, then you will have to restrict it very very carefully indeed.

Dr. Deshmukh (Madhya Pradesh): What is the substitute?

Prof. Ranga: It is for your Select Committee. My hon. friend happens to be on it.

Then I come to the other thing: "the administration of laws regulating the supply and distribution of food or other essential commodities or services". This is where I join issue with my hon. friend the Home Minister and this Government.

I take very strong objection to this sub-clause not only because I happen to be the spokesman of the producers—I am myself an agricultural producer, but also because it is likely to be misinterpreted and misunderstood. And what is more, it is likely to place power in the hands of a very large number of administrative officers spread over the whole of India and it touches at millions of points the ordinary day to day life of hundreds of millions of our people. I am not exaggerating. You have more than 100 million people who are interested in agricultural production and they are all likely to be affected. You might say, after all, we are not going to touch them at all. It is only the papers. But the papers look after their interests. The press is connected with them in a large way and if at any place these administrative steps taken by the local officers are so bad or cruel or inhuman that paper feels it necessary to protest against it, strongly, vehemently and effectively and if the local officer

takes offence and he proceeds to go to court, then any amount of damage can be done to public cause.

It may be said—and I should have said, I suppose earlier and now I might bring that point and I am sure my hon. friend Mr. Goenka will be satisfied with that—that no action can be taken by the executive unless it first of all gets the approval of the District Judge, but think of the annoyance that will be caused to the printer, the publisher and the writer of an article when all this process of going to the court has got to be experienced. It is true that there are papers which have got plenty of money. Even then it will be an annoyance to them. There are editors and publishers who have got plenty of money, who can go and frighten the courts also but even then it is going to be a nuisance.

An Hon. Member: I thought that journalists are poor.

Prof. Ranga: There are mighty editors. Therefore this provision ought not to be brought in here at all.

I wish to urge another consideration for the removal of this provision. At present, so far as food is concerned, it is a monopoly supply and monopoly distribution. How is Government exercising this monopoly? Is it done through its own officers who are subject to its discipline? Not always. It is doing it through what are known as monopoly procurers or procurement agents. These are factory owners, big merchants and other people who have got plenty of resources at their disposal. Are we to consider that these people would behave in a responsible manner as regularly paid Government officials, who could be expected to behave properly not only because they get their salary, but also because they want to retire with a good reputation and assure themselves of their pension and all the rest of it? We cannot say so. I do not know who advised my hon. friend the Home Minister to include these words also. I would strongly urge that they should be removed from here.

Then, there is mention of "other essential commodities or services". There is cloth distribution; there is sugar distribution. We know the scandals; we know the discontent in respect of these. We are hearing day after day in this House how in various parts of the country there is no sugar at all, there is no cloth at all, while in cities like Delhi and other cities where the Ministers happen to be, there is an

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over-supply of them. In regard to all these, there is so much of scandal. The press has got to be vigilant and the press has got to bring to the fore the grievances of the people, their experiences, and vagaries of the administrative officers and the monopoly agents, etc. How can any press feel itself free to deal with all these matters especially when these things touch them at every stage, if you are going to bring them within the mischief of this Bill.

Then, 'services' are mentioned. I do not know what they mean. Services mean the Defence services. It cannot be that. Does this word 'services' means the transport services?

Shri Goenka: That is right.

Prof. Ranga: Or Railways as well as buses and all these things? My hon. friend Mr. Santhanam is managing them here, in this city. There are bus services in the U.P., Madras and other places. If these things are meant, I think it would be wrong to include them here. After all, if I want to prevent any mischief in regard to the Railway services or transport services or any other service that Government might come to render to the people, I should be given the greatest possible freedom without any sort of fear at all that I am likely to be hauled up before a court of law. As you know, the State is spreading its various activities in regard to these services. So many of us want the nationalisation of a number of industries. More and more industries or sections of industries are coming under the purview of the Government. In addition to that, Government is taking under its quasi control a number of services and a number of industries. If you are going to include all of them here, it will be practically impossible to the press of this country to discharge its duties towards the public, whether they be producers or consumers. That is why I say that it is really unnecessary for my hon. friend the Home Minister, if he wanted to control the press or rather to help the press to behave properly, efficiently, ably, and in a responsible manner, to include all these items in the definition.

The next provision is: "tend to promote feelings of enmity or hatred between different classes or persons in India". What do they mean by this? My hon. friend Mr. M. P. Mishra yesterday placed several relevant, important and powerful considerations before the House in regard to this matter. I know of cases of papers, in which I was

interested, which were hauled up, not now, but 20 years ago, when we were initiating our campaign against the Zamindari system in the Madras Presidency, on the only plea that that agitation was likely to develop class hatred and disturb the established order. What was that established order? It was the Zamindari system which is very much like the Talukdari system in the U.P. In Bihar also, the same thing happened. In the U.P., the same thing happened in the case of several of our Congress papers. Does my hon. friend the Home Minister seriously feel that hereafter whatever classes of exploiters, classes of vested interests, and classes of 'haves' may be allowed to function in this country, should be completely protected by this provision? My fear is that it will come to that. It may be argued that the High Court or the Judges could be left to think about it themselves. You do not give any scope at all to the Judges to think about the development and progress of public opinion. At one time a Zamindar was an honoured person; to call one self a Zamindar was a matter of title and status. Today, every one knows that it is a matter of opprobrium. Therefore, public opinion changes. How can you expect the district Judge or the High Court Judge to take these things into consideration when you have put in this very wide definition of special phenomenon, conflict between classes. What do they mean by 'classes'? Do they accept comrade Lenin's definition of 'classes'? If this provision from here, because you have got the capitalists in this country, and you are going to have them here for a long time to come. You are committed to a mixed economy. You are not going to abolish private enterprise, not for some years to come. So there are capitalists here, there are employers who employ thousands and thousands of workers. These workers have got to fight for their rights. They have got to organise themselves. They have to go on strikes, sometimes, and they will have to press for their rights and demands. In every one of these processes, it will be possible for the police and the administrative machinery to get angry with these people because they are recruited from these classes and they understand more the attitude of the employer or the capitalist than the attitude of the worker. And so they can rush to the court and put in an application demanding security from the press or forfeiting the security made. In fact, it would be impossible for the courts to protect the weak as against the strong, to protect the "have-nots" as against

the "haves". Take the case of our own *kisans*. They may have to go on strike—I may tell you—against your merchants or your capitalists, and against all those people who have gained a strangle-hold over the world-market. How soon they are going to do it, I do not know. But they have already begun two years ago. They did it against the sugar mill owners. They had to do it. To gain what? To gain their demand that there should be proper weighments. In some places a compulsory—though it was supposed to be voluntary—levy was made on the peasants in the name of God. Whose God? Is it the merchant's or the capitalist's God, not the *Kisan's* God. And who was the trustee for all these collections? Again the merchant himself. And the beneficiaries are the merchants, their sons and others, and it is used for their marriages and *jalsas* and feasts and so on. Against this sort of thing the *kisans* had to go on strike. And if you have a capitalist-minded judge, if you have a capitalist-minded administrator, what will be the fate of the poor *kisans*? The *kisans* will have to go on strike against the monopoly procuring agents and various other people also. Therefore, I say this provision is a very dangerous thing. As my hon. friend Sardar Man said the other day, if you had said different communities, instead of different classes, that could be understood with greater certainty. But here this phrase—"feelings of enmity or hatred between different classes of persons" it is not possible to understand at all. What is really meant by "classes" here? If you do not accept Lenin's definition of a class, and if you have your own peculiar conception of classes, then this may mean one section of the people and another section, or one group of people and another, or the rural people against the urban people, or within the same village, may be, between one faction and another faction and so on, or may be between one sub-caste and another sub-caste. And so, I say again that this is going to be a very dangerous thing and this provision has to be completely removed from this Bill. Otherwise, I am afraid it would be impossible, to accept this Bill.

An Hon. Member: You mean provision in sub-clause (vi)?

Prof. Ranga: Yes. It may be argued that if you allow these social struggles and struggles between classes of people, then there will not be any peace in the land. It is the duty of the State, whether it be Congress, whether it be a mixed-economy State, or a *Kisan*

State, or a Social State or a Communist State, to hold the scales even between the various classes in the country. And how are you going to do that? It should not be said that we are going to give the same weight to the workers as we give to the employers. The employers are the "haves". Their scales are already loaded to their advantage. So you have to give greater prominence or greater assistance or help and greater protection to the workers. And in order to do that, the holding of the scales evenly will have to be interpreted in a careful manner and why the Mahatma insisted upon what is known as "a just social order". That is a noble conception of things, a noble conception of social relations. And in achieving that just social order, I would like to remind the hon. Home Minister that this provision would stand in the way. If you are to achieve this just social order, there are various ways. One is to help the workers to get organised. The *kisans*, the *kalakars* and various others who are the "have-nots" today have to fight for their rights. The other course is for the State to do justice. The third is for social workers like myself to stand by the people and fight for them as also for people like my friends Gupta and Goenka to use the press for improving their conditions.

My complaint about the press is well known. The press today is not for the poor at all. (*Interruption*). The press is not of the poor people today. Now and then it may be for the poor but generally speaking it does nothing for them. Unfortunately in our national life the press is coming to be under the control more and more of a few press lords. We have two of them here in our midst. Till yesterday they were my comrades in the same party and today they are opposed to me. I am all admiration for the Indian nationalist press and also for my friends who have played through their press a noble rôle in the national struggle. I am very grateful to them. I am sure the whole of India is, just as it is grateful to so many of our war veterans or *satyagrahis*. But it does not mean that the truth should not be recognised. I do not wish to particularise any individual but a few individuals in Delhi have gained control over a chain of newspapers. In addition to that they have their representatives here directly. I have no complaint against that. I therefore welcome the comradeship of the two hon. friends in the House. They have every right to be here and represent their cause as also speak for the public interest. But there are people who do

[Prof. Ranga]

not come here and manage somehow or other to get at many of us, influence us, hold us in their thumbs and turn us into little dolls to play with. What are we to do with these gentlemen? They talk of the poor journalist. Where are they in this House? They are paid for the day, week, month or the year and are expected to write something. Some of them have the courage to write something nasty and if they were to repeat their performance more than once they are likely to be sent away. (*Interruption*). A representation was brought before us in the name of the poor working journalist, that these people are completely helpless. Some of them are well paid.....

Shri B. K. P. Sinha (Bihar): I would like to correct him. I say that they are under-paid.

Mr. Chairman: Is the hon. Member advocating nationalisation of the press?

Prof. Ranga: I do not grudge if some of them are overpaid because some of the managing editors who do not know how to write an editorial are paid fabulous sums. Some of them appoint their nephews or neices to positions which he or she does not deserve.

Mr. Chairman: No "she" is appointed.

Prof. Ranga: They are this getting a stranglehold. When my hon. friend was saying that the whole of the press is unanimous in condemning the Bill I was wondering what to say in reply. Is any working journalist so powerful as to be able to come out and say that this Bill should be passed and at the same time suggest that better living conditions should be provided for them? Many of them have not been able to come out and if they do I do not know what would be their fate.

Shri Deshbandhu Gupta: Is it a complement to the journalists that Mr. Chalapathi Rao, who is the President of the All India Journalists' Federation and is editing the *National Herald* can indulge in most stringent criticism of the Bill?

1 P.M.

Prof. Ranga: I accept what my hon. friend has said. (*Laughter*). There is nothing to laugh at. Mr. Chalapathi Rao wants this Bill to be radically altered and at the same time he wants the death-knell of these press lords and he is not able to achieve that. You are only making use of his name in order to get rid of this Bill. There are some of these three or four items to which you cannot take objection. I

did not hear any dissent from my hon. friends—and I felt sure there could be no two opinions—when I said that the advocacy of murder should be prevented, the advocacy for violence should be prevented—nobody raised any dissenting voice when I said that. Therefore.....

Shri Deshbandhu Gupta: The law of the land gives ample protection on that score.

Prof. Ranga: On that I have no quarrel if the law of the land is giving ample protection. I am no lawyer and I am not going to go into that labyrinth. If the law of the land is already there, why should it be that my hon. friend, the Home Minister should be so foolish as to bring forward this Bill and get all this abuse from his friends? If the law of the land as it exists is able to catch a person if he misbehaves in regard to any of these three or four items that I have mentioned, then you can persuade my hon. friend to give up this Bill. If the law of the land is already there and if this is a superfluous measure, then why do you create all this noise and create this atmosphere as if the whole of the press in this country is going to be completely strangled and this Government is going to run away? Whose is this Government? This is not my Government—this is your Government and you are going to support this Government. The whole thing appears to be a sort of camouflage. Here are these gentlemen who abuse this Government, and here are these gentlemen who support this Government. Here are these gentlemen who pour wild abuse over the Home Minister, and here are these gentlemen who are all praise, in pages after pages of their papers, for their Home Minister, for their Prime Minister and every one of them—because they are of the same ilk, same party, same ideology. If you want to make it a family quarrel, please do not come to Parliament—settle it outside in the lobby; bring here a kind of a Bill which you are all agreed upon, then I would know, as one in opposition, what to say: whether I agree to your Bill or not.

Shri Goenka: That is exactly what we want.

Prof. Ranga: It annoys me.....

Pandit Thakur Das Bhargava: It never annoyed you two months ago when you yourself were a party to all this which you condemn so eloquently now.

Prof. Ranga: Exactly, because I have left you I have a right to examine

every one of the things you do in a free fashion.....

Pandit Thakur Das Bhargava: What happened two months before?

Prof. Ranga:.....without being trammelled by your sense of discipline. My feeling is, where is your sense of discipline? Is this the Congress Party's Bill or not? Is this the Congress Government's Bill or not? Are these gentlemen going to vote for it or not?

Some Hon. Members: No.

Prof. Ranga: Yes, you do. They are going to pass it in this House because the opposition is in a very weak position. And yet, you have mustered so much of this righteous indignation that you want to throw it out! Whom are you going to deceive? You cannot deceive the electorate in this country; the electorate can easily distinguish between the Congress mandate and its whips and the various decisions in this House, and the various speeches made by you knowing all the while that your speeches are made for the platform and for the press and not for anybody else. If you really mean business and you do not want this Bill, then throw it out and I will congratulate you.

Shri Deshbandhu Gupta: It is a very good election speech.

Prof. Ranga: You provoked me—I did not wish to say it.

Therefore I am not looking at it as a Congress Member. I want to look at it as a non-Congress Member,

Shri Kamath: Lok party.

Prof. Ranga: Here is my friend who grows very eloquent about the Congress, and at the same time he wants to believe that this Congress has got two tongues, two faces. It is something like a *seshanag*. With one face they say one thing and with another they say another thing. With the tail they want to put their *imprimatur* on this Bill.

Shri Goenkna: After all, right is right and wrong is wrong.

Prof. Ranga: The sooner my hon. friends get rid of this dual attitude the better it will be, because we shall be able to present to the people our proper point of view in a manner which they can understand.

I now come to the control of the press. I am very unhappy that the Prime Minister was somehow persuaded—I do not know how and where—to

drop the idea of an enquiry into the working of the Indian press.

Shri Goenkna: We are surprised as well.

Shri Rajagopalachari: If I may interrupt for just a minute, it is not right to attribute a particular attitude to the Prime Minister when he is not here, but on his behalf I may say that he has not dropped it at all. It is not right to say that he has dropped it.

Prof. Ranga: Since the non-Congress section also had given its support to the Constitution (Amendment) Bill, it would have been proper for the Prime Minister to have given first consideration to this question and formulated Government's views and brought forward proposals as to the manner in which they want to deal with the working of the Indian press. I do not say anything about the extent of the control because that is to be decided by the Commission. Had the Government done this, it would have been better. I hope the Home Minister will take the occasion to see that his Government place their proposals before this House before this Bill comes back from the Select Committee.

Shri Rajagopalachari: Is it the hon. Member's suggestion that the internal justice *inter se* in the profession of the press should be mixed up with this Bill? This Bill only deals with matter that is published. I think it would be difficult even for the Home Minister to do such a difficult trick, because the two are different matters.

Prof. Ranga: I shall explain that. Today the working journalists have one very great fear among the many that they have. They have no security of service, no special order in which they are to be treated in regard to suspension, dismissal, compensation, pension, provident fund, etc. They are asked to write a certain matter; they write. That is published. If anything goes wrong, immediately it is open to the Managing Agent or Managing Director to send for this man and dismiss him and then go to the District Magistrate and say, "I have dismissed this man; so please excuse me". After all, many considerations come before a District Magistrate or D.S.P. before he decides to go to court and demand security. It is going to be a tortuous process. Who will be the victim? Not the Managing Director, not even this big man, the printer, but the poor journalist.

Mr. Chairman: Since these are the subject matters of the enquiry proposed to be held, are they within the limits of this Bill?

Prof. Ranga: I am only answering his question. Secondly, the point is whether they should be brought in now or not. If the Bill is to be sent to the Select Committee at all, the House must have a clear understanding of what Government wishes to do in regard to the protection of working journalists. It is only then that it can make up its mind to send it to the Select Committee or not. These are the fears of the working journalists. They will be the first victims of this Bill, if there be any mischief at all under it. Therefore, I want the Home Minister and the Government to make up their mind at an early date as to what they propose to do.

Then I come to the question of the nationalisation of the press in this country. I am not in favour of nationalisation of the press. I am in favour of nationalisation in so many spheres of life. But the press cannot be nationalised. (An Hon. Member: Why not?) Then we become a totalitarian State, a Fascist State or a Communist State. I am a democrat through and through and that is why I do not want the press to be nationalised. But at the same time I want Government to take sufficient steps to limit the powers of the press lords. Now you may say—just as you have got in the case of the Companies Act—that no one should be a Managing Director of more than one or two presses or papers. Similarly no one should have a chain of newspapers—one coming from here, another from Allahabad, another from Lucknow and a fourth one from the blue moon. One morning one of these chains says so and so should be elected to such and such position. Next morning all the papers come out in the same way—only different parrots singing the same song—and the poor journalists are obliged to do this work. Some check has got to be placed on that.

Similarly some check has to be placed on their deals also. Many of them corner essential supplies to the newspapers like newsprint and various other things. They corner the journalists also so much so the small papers have to go with second rate and third rate journalists. All these various kinds of mischiefs have got to be minimised, if not altogether prevented and stopped. For all these things steps have to be taken by the Government. If Government carries any longer in the appointment of the Commission and the formulation of their terms of reference, they will be doing a great injustice to themselves and the country and also to the good points in this Bill.

Lastly, I come again to the administration of the press laws. My hon. friend Shri Deshbandhu Gupta just now drew my attention to the forfeiture of security. After the first forfeiture it would be very easy to make out a case for its forfeiture again. Once it is forfeited that press and its publisher is almost black-listed and the offence will develop in a cumulative fashion, with the result that any kind of injustice is likely to be done. It is for this reason that I used to appreciate the earlier practice of asking the Newspaper Editors' Conference itself to try to deal with people who are misbehaving. I thought our Prime Minister also was pursuing that practice. But one day he told us that the Newspaper Editors themselves expressed their helplessness to deal with one or two people. My hon. friend Mr. Goenka knows whom I mean. It is only in such cases that this Act should be applied.

Shri Goenka: That is your view.

Prof. Ranga: I would like the Select Committee to incorporate a provision in this Bill with a view to ensuring that Government would not put this engine into operation, until and unless the method of asking the editors and working journalists to deal with their contractors fails. I want them to be given that opportunity. Without giving that opportunity if you were to bring this in you would be hurting the sentiments of people who are extremely sensitive and who ought to be sensitive. What is the position in any country? The ordinary people are so much taken in with their own day-to-day troubles that they do not think about the rest of the world, about things which do not concern them immediately. But it is the sacred duty of a journalist, of an editor, of anyone who is in charge of the press or a newspaper to become so sensitive, and if he would be the best man he would become as sensitive as Ramakrishna Paramahansa himself to the sufferings and grievances of the people and to the plight of the people even when these people themselves are not self-conscious, and bring out for their own benefit and emulation the best in them and excite them, incite them, agitate them so that they will become human beings and thereafter they will begin to fight for their own rights. That I consider to be the proper right of a journalist, of a press lord also. And if he has to play that role efficiently, freely and fearlessly, then I would like my hon. friend the Home

Minister to see to it that this Bill, when it becomes an Act, is not taken notice of by himself and his officers until and unless the joint liaison board of the Editors' Association and the Working Journalists' Association tells them, "We are helpless, we do not know how to deal with these people, therefore you think of your Act." If they are going to do it, then I am sure the press and the journalists will be protected and the whole country will then be assured of a free, fearless, powerful and efficient press in this country. And without a free, fearless and powerful press I am sure democracy will be dead. The people themselves will be dead. There will not be any life at all.

Shri Naziruddin Ahmad (West Bengal): Madam, on a point of clarification. Is the hon. Member in favour of the Bill or against it?

Mr. Chairman: I do not think any clarification is needed because he has made his attitude quite clear.

The House now stands adjourned till 8-30 tomorrow.

The House then adjourned till Half Past Eight of the Clock on Wednesday, the 12th September, 1951.