



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

Monday, 10th September, 1951

The House met at Half Past Eight of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

TREATIES WITH EGYPT AND MUSCAT

*904. **Shri Sidhva:** Will the Prime Minister be pleased to state whether a Treaty of Friendship and trade agreements between the Governments of India and Egypt and Government of India and the Sultan of Muscat have been concluded?

The Deputy Minister of External Affairs (Dr. Keskar): Treaties of Friendship between the Governments of India and Egypt and between the Government of India and the Sultan of Muscat are being negotiated at present and have not been concluded yet. There is a Trade Agreement between India and Egypt which is due to expire at the end of February 1952.

Shri Sidhva: May I know whether the negotiations for the treaties of friendship are proceeding amicably or there is any hitch about them?

Dr. Keskar: They are proceeding quite amicably.

Shri Kamath: With how many countries of Western Asia have the Government of India so far concluded treaties of friendship or commerce?

Dr. Keskar: I would require notice for giving the names of all the countries but I may state that we have a treaty of friendship with Iran already and as regards other countries like Syria and Lebanon talks are going on, as to whether we should begin negotiations for a treaty.

Shri Kamath: Has there been no treaty with any Arab country so far?

Dr. Keskar: I would require notice.

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श्रेष्ठ गोविन्द दास : कितने देशों के साथ इस समय इन मुलहनामों की बातचीत चल रही है और कितने देशों के साथ यह आशा की जाती है कि यह मुलहनामे जल्दी हो सकेंगे ?

[Seth Govind Das: With how many countries are negotiations for the treaties of friendship proceeding and with how many of them are likely to be concluded in the near future?]

डा० केशकर : देशों के नाम देने के लिये तो मुझे नोटिस चाहिये, लेकिन जहाँ तक मुझे याद है पिछले सेशन में यही सवाल पूछा गया था, और जिन देशों के साथ बातचीत चल रही है उन सब की फेहरिस्त यहाँ पेश की गई थी ।

[Dr. Keskar: I would require notice for giving the names of all the countries but as far as I recollect the same question was asked in the last session and the list containing the names of all these countries with whom negotiations were proceeding was placed on the Table of the House.]

Shri Sidhva: The Deputy Minister stated that the treaty of commerce will end in February 1952. Will it terminate in February 1952 both with regard to Egypt and Muscat?

Dr. Keskar: No, only with Egypt.

Shri A. C. Guha: The treaty that is being negotiated with the Sultan of Muscat, is it a political treaty of friendship or a trade treaty?

Dr. Keskar: It is a treaty of friendship and not a trade treaty.

Shri Kamath: With regard to these two treaties, may I know whether the overtures were made by Egypt and Muscat to us or did we approach them?

Dr. Keskar: They were reciprocal.

Shri Kamath: Who made the first move? Somebody must have made the first move.

Mr. Deputy-Speaker: There is grace if we made the move first.

Shri Kamath: He does not know apparently.

Shri Sondhi: He does not want to say.

सेठ गोविन्द दास : जो सूची पिछले अधिवेशन में पेश की गई थी उस सूची में जिन देशों के नाम थे क्या उन सबसे अभी भी वार्ता चल रही है या उनमें से कुछ से अब वार्ता नहीं चल रही और केवल थोड़े से देशों से चल रही है ?

[**Seth Govind Das:** The list that was presented during the last session included the names of various countries; may I know whether negotiations are still proceeding with all of them or have treaties been concluded with some of them while in the case of others negotiations are still proceeding?]

डा० केसकर : नहीं; सब से वार्ता चल रही है। बात यह है कि कभी कभी सुलह-नामों पर हस्ताक्षर होने में समय लगता है। क्योंकि उन मुल्कों के कुछ अपने काम लगे रहते हैं इसलिये उसमें कुछ समय लगता है। यह बात नहीं है कि चूंकि बहुत ज्यादा समय लग गया इससे उससे कुछ बाधा आ गई है।

[**Dr. Keskar:** No; negotiations are proceeding with all of them. The fact is that sometimes delay is caused in the signing of the treaties because those countries have to look to many of their internal matters which generally take some time. The fact that a good deal of time has been taken does not mean that some hitch has arisen.]

INDO-PAKISTAN DISCUSSIONS ON PERMIT SYSTEM

*905. **Shri Sidhva:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the strict conditions of obtaining certificates of Civil Surgeons from Pakistan for issue of permits to

persons from India visiting ailing relatives in Pakistan have been given up;

(b) what will be the minimum time normally required for obtaining a temporary permit for proceeding to Pakistan on business and domestic purposes; and

(c) whether any consideration was made regarding the issue of permits immediately within 24 hours for the purpose of attending a person's marriage or funeral ceremonies or to meet ailing patients in Pakistan, and whether this matter was discussed during the Indo-Pakistan discussions held in Delhi in the third week of June, 1951?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Pakistan Government agreed to withdraw this restriction at the Indo-Pakistan Conference held in June this year.

(b) The matter relates to the functioning of the Pakistan High Commissioner in India and this Ministry is unable to furnish any reply.

(c) The matter was not specifically discussed, but, in the spirit of the decisions taken at the Permit Conference, it should be expected that Pakistan Permit Officers will give their urgent attention to such cases.

Shri Sidhva: There is a procedure in Pakistan that when a Pakistan national intends to visit India the Pakistan authorities and also the High Commissioner for India in Pakistan simultaneously inform either by telegram or telephone the place where the Pakistani intends to go for urgent reasons such as death or sickness of a relation, pending receipt in due course of the permit. May I know whether such a system exists in India with regard to intending visitors to Pakistan for similar contingency?

Shri A. P. Jain: I stated in the House sometime ago that in 80 per cent. of the cases permits have been issued within half an hour to three hours after application. The Government of India is interested to give as much facility to persons visiting India under permits as it possibly can.

Shri Sidhva: Is it a fact that the authorities in Bombay had refused to grant permits to persons who wanted to go to Karachi in cases of deaths of relations until the formal procedure had been followed, which process naturally takes about three days? Have any complaints been made in this regard?

Shri A. P. Jain: In fact a large number of complaints have been made about instances where persons desirous of visiting Pakistan under very urgent conditions could not get permits. Not only three days but in some cases as much as three weeks had elapsed, before they could get the permits.

Mr. Deputy-Speaker: Next question.

MIGRANTS FROM WEST BENGAL

*906. **Shri S. C. Samanta:** Will the Prime Minister be pleased to state:

(a) how many of the migrants from West Bengal to East Pakistan up to 30th June, 1951 have come back to West Bengal; and

(b) whether all of them have been rehabilitated and provided with employment?

The Deputy Minister of External Affairs (Dr. Keskar): (a) About 2,34,450 Muslim migrants from West Bengal to East Bengal have returned to West Bengal till the end of May, 1951.

(b) About 1,89,240 of them have been rehabilitated. Many of them must have secured employment though no exact employment figures are available.

Shri S. C. Samanta: Have Government any record as to how many of the migrants are in government service, how many in non-official service and how many were carrying on trade and industry?

Dr. Keskar: There is no exact record. With regard to government servants certainly figures can be gathered, if the hon. Member puts a separate question. I am not able to give any information regarding the categories of employment of the migrants who have come back.

Shri S. C. Samanta: How many applications of complaints are lying with the Minority Minister at present?

Dr. Keskar: I would require notice.

Shri S. C. Samanta: May I know if any zamindars had left West Bengal for East Bengal and have come back? If so, what is their number?

Dr. Keskar: I have no figures about zamindars. If the hon. Member wants I can give figures regarding labour which was in West Bengal, went to East Bengal and came back again.

Shri A. C. Guha: Has the Minister any figures as to the number of Muslim migrants who are not nationals of India?

Dr. Keskar: Among the daily rated labour employed in West Bengal quite a good number are those who do not belong to India, that is they have their houses in East Bengal. I have not got the figures of those who are working in West Bengal but whose homes are in East Bengal.

Shri A. C. Guha: Are they entitled to get all the facilities mentioned in the Delhi Pact of 1950?

Dr. Keskar: This question has been debated so much. It is very difficult to lay down a hard and fast rule in regard to this matter. Generally speaking, it has been said that even a person who has been a labourer in India for a large number of years is considered entitled to get back his employment if it is available, whereas a person who has recently gone back to East Bengal can be taken more to be a national of East Pakistan than a permanent domicile in West Bengal. As I said, this has been a question which it has been very difficult to define exactly.

Khwaja Inait Ullah: Are there any Muslim migrants who have gone from East to West Pakistan who have not been given back their houses?

Mr. Deputy-Speaker: It does not arise out of this question.

Khwaja Inait Ullah: Whether those who went to East Pakistan and then migrated to West Pakistan got their houses back?

Mr. Deputy-Speaker: It does not arise.

Shri T. N. Singh: Do Government treat those persons who live in East Pakistan and work as labourers here, coming daily, as migrants?

Dr. Keskar: No, Sir. But the question did arise when certain people who were working in West Bengal and due to the disturbances ran away to East Bengal but came back and claimed re-employment. The question arose as to whether they are migrants, whether they have the right to re-employment etc., and it is with regard to that that Government found it very difficult to decide by a hard and fast line as to who has a domicile in West Bengal. In every case a specific inquiry has to be made—that is what I want to say.

Shri A. C. Guha: Has the hon. Minister got any such cases where taking advantage of the *badla* system that is prevalent in industrial areas, any non-migrant Muslims have also come and taken jobs in those industrial areas?

Dr. Keskar: It is possible, but I want notice.

RAID OF INDIAN SHOPS IN INDONESIA

*907. **Shri. Kesava Rao:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a number of shops belonging to Indians in Indonesia were raided by the Indonesian police;

(b) whether it is a fact that many valuables and records were taken away by them; and

(c) if the answer to parts (a) and (b) above be in the affirmative, what is the value of the articles taken?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) Yes, Sir.

(b) and (c). Only books and documents were taken away by the Indonesian Police.

Shri Kesava Rao: May I know whether any persons have been arrested in this connection?

Shri Satish Chandra: Two persons have been arrested.

Shri Rathnaswamy: May I know what made the Indonesian police raid the Indian shops?

Shri Satish Chandra: I might inform my hon. friend that these raids had no political significance whatsoever. This step was taken because the Indonesian Government suspected some evasion of taxes by the traders.

सेठ गोविन्द दास : हिन्देशिया के कितने स्थानों में पुलिस की यह रेड हुई है। श्री माननीय मन्त्री जी ने कहा था कि इसका कोई राजनीतिक कारण नहीं था। क्या मैं जान सकता हूँ कि इस रेड का क्या कारण था ?

[Seth Govind Das: At how many places were these raids made by the Indonesian police? The hon. Minister has just stated that there was no political significance attached to it. May I know what was the reason for that raid?]

Mr. Deputy-Speaker: He has already answered that question; he said it was on account of suspected tax evasion.

सेठ गोविन्द दास : यह किन किन स्थानों में हुआ था।

[Seth Govind Das: At how many places were these raids made?]

श्री सतीश चन्द्र : यह मुख्यतया जाकार्ता में हुआ और दूसरे बड़े बड़े शहरों में जहाँ भारतीय व्यापारी रहते हैं वहाँ भी हुआ।

[Shri Satish Chandra: Those raids were made especially in Jakarta and in other big cities as well where Indian traders reside.]

Shri Kesava Rao: May I know whether it is a fact that these persons have been indulging in blackmarketing also?

Shri Satish Chandra: That I don't know.

Shri Kamath: The Parliamentary Secretary stated that some books were seized. Am I to understand by that word mere account books or books of some other kind?—"books" means what books?

Shri Satish Chandra: Account books, of course.

Shri A. Joseph: Before the police entered these shops to raid them did they show any order to search the shops, check the books or take the books with them?

Shri Satish Chandra: The warrants of search were duly issued by the Attorney-General of Indonesia.

INDUSTRIES DEVELOPMENT BILL

*908. **Shri Kesava Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) what are the reasons for holding up the Industries Development Bill from being passed in Parliament;

(b) whether it is a fact that many industries are opposing the Bill; and

(c) if so, what are the industries which have objected?

The Minister of Commerce and Industry (Shri Mahtab): (a) The hon. Member is aware that the Industries (Development and Regulation) Bill was recommended to a select Committee on the 4th September 1951. As I explained then, Government had to consult the Planning Commission and obtain their considered opinion so that legislation would fit in with the National Plan. In the light of this opinion, we now propose to amend the Bill in certain respects. These amendments have been placed before the Select Committee for consideration.

(b) and (c). Some Industrial Associations have expressed their disagreement with certain provisions contained in the Bill.

Shri Kesava Rao: May I know what are the industries which expressed their disagreement over this?

Shri Mahtab: At a certain stage all important bodies expressed opinion on this Bill.

Shri Shiv Charan Lal: Will the new Bill be brought before the House in this Session?

Mr. Deputy-Speaker: From the Select Committee?

Shri Shiv Charan Lal: Yes.

Shri Mahtab: 17th of this month is the last day for the submission of the report by the Select Committee.

Shri Kamath: It may be extended.

NEWSPRINT

*911. **Shri Sidhva:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the International Raw Materials Conference recommended on or about the 24th June, 1951 an emergency allocation of 2,400 tons of newsprint to India;

(b) if so, when this quantity is likely to reach India;

(c) at what price this quantity has been allotted; and

(d) on what basis this quantity will be distributed to the various newspapers in India?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir, the allocation has been raised to 2,500 short tons in July 1951.

(b) Part of the quota is expected to be shipped in September, 1951.

(c) The price charged will be \$135.00 per short ton, F.A.S. Eastern Canadian Ports, in the case of reels, and \$168.50 per short ton in the case of sheets.

(d) It will be distributed among the various newspapers in proportion to their average monthly consumption during the period January to May 1951, subject to newspapers with a monthly consumption of five tons or less being given twice their share.

Shri Sidhva: May I know whether under these arrangements other countries also receive the quotas and whether the quota given to us of 2,500 short tons is proportionately fair con-

sidered with the quota given to other countries?

Shri Mahtab: It is very difficult to pass any opinion on that; because in these commodity groups the allocations are made and it will not be proper on my part to pass any opinion on the allocations as to whether our share was fair or not because this is a question of a mutual agreement.

Shri Shiva Rao: May I ask whether this newsprint is imported direct by Government or through authorised dealers?

Shri Mahtab: Through authorised dealers.

Shri Shiva Rao: And may I also ask whether these authorised dealers have been giving the precise specifications of the requirements of the various newspapers before they can place orders abroad?

Shri Mahtab: I think that has been done.

Shri A. C. Guha: When Government have allowed some authorised dealers to import this newsprint, have Government fixed any profit that these authorised dealers may charge over the wholesale price?

Shri Mahtab: Government will simply fix the price and regulate the distribution—the import will be made through the usual trade channel.

Shri A. C. Guha: This newsprint is to be imported by the authorised dealers. How will the Government make the distribution and what will be the difference between the wholesale and retail prices?

Shri Mahtab: I have already mentioned how the distribution will be made: that is to say, all the newspapers will be given *pro rata* quotas according to their consumption from January to May, 1951, and those small papers using five tons and less will be given double their quota. Accordingly cards will be issued and these firms will be supplied with the concern quantity of newsprint.

Shri Shiva Rao: Is my hon. friend aware that for lack of these specifications, placing of orders abroad has been delayed by several weeks?

Shri Mahtab: I will make inquiries about that, but these dealers whom Government have appointed are not new people in the field. They know how to place orders and they know how to import these things—if there is any difficulty in the way I shall find out.

Shri Shiva Rao: But they have not been supplied the necessary detail.

Shri Mahtab: It is for them to represent to the Government. I don't know how we can know it—it is for the dealers to tell the Government.

The Deputy Minister of Commerce and Industry (Shri Karmarkar): By way of supplementing the information given by my hon. colleague, I may say that two of the four firms that have been nominated for distribution of newsprint have intimated the specifications and quantities of newsprint in reels and sheets that will be imported by them. The other two firms are expected to indicate the specifications required very shortly. Government have nothing to do in this matter.

Shri Amolakh Chand: May I know when this quota is likely to arrive in India, and if it arrives before the general elections, will any allocation be made to the various political parties for election purposes?

Shri Mahtab: The quota, as I said in my main reply, will be shipped in September, but I think there will be sufficient newsprint for the purpose of allocation to all the political parties.

Shri T. N. Singh: Is it a fact that the two firms, which I believe are two of the foreign firms operating here, have declined to avail of this purchase from abroad owing to difficulties of getting details for supply to each paper according to its needs?

Shri Mahtab: It is not correct, because these appointments have been made and none of them has declined.

Shri Sidhva: May I know whether the price of \$135 per ton is the competitive price or the price fixed by the Conference?

Shri Mahtab: That is the price fixed by the Conference.

MUSLIMS FROM PAKISTAN ENTERING INDIA

*912. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of Muslims from West Pakistan who entered into India without permits in the years 1949-50, and 1950-51; and

(b) how many of them have so far returned to Pakistan?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) According to information so far compiled 2578 persons were detected as having entered India without permits in 1949-50. The number in 1950-51 was 1312.

(b) 3193.

Dr. Ram Subhag Singh: May I know whether the Muslims entering India were detected by the Government authorities at the place of entry or they were detected after they had entered India?

Shri A. P. Jain: If it were possible to detect them at the point of entry, then they would not have been allowed to enter India. Naturally, they were detected when they surreptitiously entered India.

Dr. Ram Subhag Singh: May I know, Sir, what action is taken against persons who enter without permits?

Shri A. P. Jain: A number of actions are taken against them. Either they return to Pakistan, or they are pushed back into Pakistan, or they are prosecuted and sent to jail.

Dr. Ram Subhag Singh: May I know, Sir, the number of such persons who are at present in jail?

Shri A. P. Jain: It is about ten.

Shri Kamath: Do these figures, Sir, include the large number of Pakistani spies who had entered India and who were arrested by the Government of India during recent months?

Shri A. P. Jain: I have not gone into the matter whether any of them is a spy or not. All that I am concerned with is whether he has come under a valid permit or not.

Khwaja Inait Ullah: Do the figures given by the hon. Minister include non-Muslims also?

Shri A. P. Jain: Non-Muslims are not coming under the permit system. Nor are we expelling non-Muslims.

Khwaja Inait Ullah: I only want to know whether non-Muslims are coming to India?

Shri A. P. Jain: Those who do not find conditions sufficiently good to live there are coming.

Dr. Ram Subhag Singh: May I know whether the spies who were recently arrested in Patna and other places had entered India with regular passports or without any permits?

Shri A. P. Jain: I have given the total figures. I am not expected to know about every individual.

Sardar Hukam Singh: After completing their term of imprisonment,

may I know whether those persons are despatched to Pakistan or they are allowed to move about here?

Shri A. P. Jain: After serving their term of imprisonment, they are pushed back into Pakistan.

SALE PROCEEDS OF EVACUEE PROPERTY IN PAKISTAN

***913. Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether Pakistan has paid any money realized by custodians from the sale of movable evacuee property; and

(b) if so, what is the total amount of money so far paid by Pakistan to India?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). The attention of the hon. Member is invited to the information furnished in connection with Question No. 2404 by Shri Hussain Imam on the 20th March, 1951.

Dr. Ram Subhag Singh: May I know the amount of money which has so far been received from Pakistan from the sale of evacuee property distributed among the evacuees?

Shri A. P. Jain: Not so far.

Dr. Ram Subhag Singh: May I know, Sir, when the Government propose to pay this amount to the evacuees?

Shri A. P. Jain: In fact about the major chink of money which Pakistan has paid us there is some dispute. Pakistan says that they paid the money under mistake and we are in correspondence with them. Apart from that we are working out a scheme to make payments to persons who are entitled to receive the amount.

GALVANISED SHEETS, WIRES AND TIN PLATES

***914. Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the selling prices of galvanised sheets, galvanised wires and tin plates have been increased; and

(b) if so, what is the percentage of increase in each case?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir.

(b) Approximately 22.2 per cent., 10 per cent. and 20 per cent. for galvanised sheets, galvanised wires and tin plates, respectively.

Dr. Ram Subhag Singh: May I know when the price of these goods were raised?

Shri Mahtab: I think it was raised last month: it was notified in the Gazette.

Dr. Ram Subhag Singh: May I know the reasons for increasing the price of the goods?

Shri Mahtab: That is because in the case of these three articles the cost of smelter and tin have risen from Rs. 900 to Rs. 3,500 per ton and from Rs. 8,300 to Rs. 16,000 per ton respectively.

Sardar Hukam Singh: May I know whether it is a fact that certain firms have been paid some subsidies for this increased cost of production for the period before the prices were increased?

Shri Mahtab: No subsidies were given to any producers.

Shri Ghule: As a result of the increase in price, are we to take it that the production of these commodities is to increase in the near future?

Shri Mahtab: It has nothing to do with production. It has risen because the prices of other things have risen.

Shri Kamath: Is the increase in price, Sir, at least partially due to the greater demand or need of Government for galvanisation?

RETAIL CLOTH SHOPS STARTED BY MILLS

***915. Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of retail cloth shops started by various mills in different States of the Union;

(b) the quantities of cloth so far sold by them in each State;

(c) what is the scheme under which these shops are started and carry on business; and

(d) whether these shops carry on free sale or whether there is any control over such sale?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A Statement is placed on the Table of the House. [See Appendix VI, annexure No. 12.]

(c) In September, 1949, when there was a glut of cloth, it was considered that encouragement to mills to make sales through their retail shops would be one of the ways of liquidating the accumulation. The mills were, therefore, allowed to sell through their retail shops any quantity of cloth

out of their free sale cloth and the quantities rejected by the State Governments out of the releases made by the Office of the Textile Commissioner. With the concurrence of the State Government and the permission of the Textile Commissioner, they could also sell cloth out of the 2/3 packings for controlled distribution upto the extent released by the Textile Commissioner.

(d) A mill can start a retail shop in any State only under the provisions of the licensing regulations in force therein. All sales, whether out of the free sale or controlled cloth through retail shops are governed by the licensing regulations and the directions issued thereunder. The maximum margin permissible for sales through mills' retail shops is the maximum retail margin i.e. 14 per cent. over the ex-factory price.

Shri S. N. Das: May I know, Sir, whether the opening of these shops are at the will of the mills or they are decided by the various State Governments?

Shri Mahtab: These shops are opened under the licensing regulations of the State Governments.

Shri S. N. Das: From the statement it appears that these shops have been opened at random—there is no policy or principle behind them. May I know the reasons for it?

Shri Mahtab: Because it is free sale, these shops have been opened at random. It is for the State Governments to allow the mills to open shops as they like.

Shri S. N. Das: May I know, Sir, whether the State Governments have been asked to give facilities to these mills to open shops on a population basis?

Shri Mahtab: Since it is free sale, mills choose their own place of distribution. They approach the State Governments, obtain their permission, take licence from them and open their shops. It will be found from the statement that they select places where they think they can sell their goods more easily than elsewhere.

Shri S. N. Das: May I know whether there is any proposal before Government to allow cloth mills to sell a certain quantity of cloth beyond the minimum production in the open market, as in the case of the sugar mills?

Shri Mahtab: The whole thing is controlled.

सेठ गोविन्द दास : जिन जिन प्रदेशों में अभी इस प्रकार की दूकानें बहुत कम खुली हैं, उन उन प्रदेशों में इस प्रकार की दूकानें खोलने के लिये मिलों में कुछ कहा जा रहा है या नहीं ? और उनको क्या किसी प्रकार का प्रोत्साहन दिया जा रहा है ?

[**Seth Govind Das:** May I know whether mills are being asked to open shops in those States where very few shops of that kind have been opened so far; are any facilities being given to them for this purpose?]

श्री मेहताब : प्रोत्साहन का अर्थ यह होगा कि दाम बढ़ जाय, यह नहीं हो सकता ।

[**Shri Mahtab:** Facilities would mean increase in prices; this cannot be done.]

श्री जांगड़े : क्या माननीय मन्त्री महोदय बतायेंगे कि इन मिलों में जितना कपड़ा बनता है उसमें से कितना प्रतिशत कपड़ा इन दूकानों में मिलों को बेचने की अनुमति दी जाती है ?

[**Shri Jangde:** Will the hon. Minister be pleased to state the percentage of cloth out of the cloth manufactured in these mills which they are allowed to sell through these shops?]

Shri Mahtab: Mills are allowed to have free sale of the cloth which has been allotted to them, that is, at the present moment, 20 per cent. And then, as regards the amount of cloth which is not lifted by the State Governments the mills are allowed by the Textile Commissioner to sell it freely anywhere they like.

Shri T. N. Singh: The other day the hon. Minister stated that there are about forty uneconomic mills in Bombay. May I know whether any of these mills have their own shops and, in that case, what is the percentage of commission allowed to them—11 per cent. or 14 per cent?

Shri Mahtab: The other day I said that uneconomic mills in some States are allowed by the State Governments to have their own shops just to compensate their uneconomic position by this little margin which is allowed to the retail shops. That is allowed not only with regard to the Bombay uneconomic mills but to many others by the State Governments.

Shri T. N. Singh: He mentioned 14 per cent. in that connection. Are these mills also allowed 14 per cent. or 11 per cent. or anything more because they are uneconomic? What is the commission allowed to these mill shops?

Shri Mahtab: The whole system is this. So far as the controlled quota is concerned the State Governments lift their quotas. In some places, in order to help the uneconomic mills, the State Governments allow those mills to have their own sales so that the margin which is consumed by the retailer is taken by the mills themselves so as to compensate them for their uneconomic position.

Shri Shiv Charan Lal: Does the Government know that in these shops only fine and superfine cloth or that cloth of which the price is higher than the market price is sold and that coarse and medium cloth for which there is a popular demand and of which the price is lower than the market price is not sold?

Shri Mahtab: That is possible, because generally the State nominees lift the coarse and medium cloth but they do not prefer the fine and superfine cloth the price of which is much higher today. Therefore it is left to the mills to sell them freely anywhere.

Prof. Ranga: What is the exact position with regard to this newspaper report that in so many of these shops there is too much of supply of this cloth? Is it because there is over-supply or because of bad distribution as between different kinds of cloth or between different places in the country?

Shri Sondhi: No buying power.

Shri Mahtab: I do not think there is any over-supply at the present moment. Generally fine and superfine cloth is not finding a ready market because of its high price and also because of the fear that on account of the prices of cotton coming down the prices of cloth may also come down. Therefore more of this cloth is coming to the market than can be sold.

Shri Rudrappa: May I know whether Government have received complaints that in addition to the licences obtained in the name of mill agents they also have *binami* transactions and obtain licences in the name of third persons carrying on business?

Shri Mahtab: I am prepared to make enquiries but I do not see any purpose of our doing this thing as suggested by the hon. Member.

Shri Ghule: May I know whether Government is aware that some mills, to fulfil the condition imposed by Government to produce a certain percentage of *dhoties*, prepare *dhoties* thirtyeight inches in breadth and keep them in these mill shops, and that these too are given, when people go to purchase them, only after they are forced to purchase some unwanted cloth also?

Shri Mahtab: I cannot say offhand, but I shall make enquiries.

TRADE BALANCE

*916. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state what was the total valuation of exports and imports of India for the year 1950-51?

(b) How does the trade balance compare with the trade balances of 1948-49 and 1949-50?

(c) What were the main articles of import and export and which were the countries with which we had export and import trade?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The value of exports and imports during the year 1950-51 was Rs. 596.56 and Rs. 607.88 crores respectively.

(b) The figures are as follows:

	(Crores of Rs.)
1948-49	219.26
1949-50	94.48
1950-51	113.2

It will be seen that the position has improved considerably.

(c) Two statements are laid on the Table of the House. [See Appendix VI, annexure No. 13.]

Pandit Munishwar Datt Upadhyay: May I know what portion of this relates to the import of foodgrains and how it compares with the imports of the last two years? Has there been a decrease or increase?

Shri Karmarkar: Speaking offhand, our imports of foodgrains in 1949-50 were bigger than those during 1948-49, and during 1950-51 they have been less than the imports in 1949-50.

Pandit Munishwar Datt Upadhyay: As it appears from the statement, the item cotton yarns and manufactures is given under both the heads. I would like to know the valuation of cotton yarns and manufactures under exports and also the valuation of the same under imports?

Shri Karmarkar: I should like to take

this opportunity of making it clear that during last year our exports of both cotton and yarn have been to the tune of more than Rs. 120 crores and that has been the principal way in which we have been able to tide over our foreign exchange difficulties. Were it not for that we would not be having a good foreign exchange position today.

Pandit Munishwar Datt Upadhyay: I would like to know the valuation of machinery of all kinds that have been imported?

Shri Karmarkar: Sir, I would require notice.

Shri A. C. Guha: May I know with which countries our trade balance is unfavourable?

Shri Karmarkar: We now have only two broad categories, as the hon. Member knows the dollar area and, the other, soft currency area. The deficit from one side is made debit to the other. In both we have made a distinct improvement—both in the dollar area and in the non-dollar or soft currency area.

Shri A. C. Guha: I wanted to know with which individual countries our balance of trade is unfavourable and with which country it is most unfavourable.

Mr. Deputy-Speaker: Has the hon. Minister got a break-up of the imports and exports from each country?

Shri Karmarkar: No, Sir.

Kaka Bhagwant Roy: What is the total value of cloth exported to the South East Asian countries, particularly Indonesia?

Shri Karmarkar: I would require notice. But during the current year, speaking from memory, I think about 4 million yards of cloth has been allotted but it has not yet been lifted.

सेठ गोविन्द दास : आयात के सामान में से कितना सामान कंज्यूमर्स गुड्स का है और क्या ऐसा सामान भी आना है कि जिसके बिना हम अपना काम चला सकते हैं ?

[**Seth Govind Das:** May I know the proportion of consumer goods in our imports? Are any such goods also imported that we might do without?]

श्री करमारकर : माननीय सभासद् जानते होंगे कि अब हमारी पालिमी ऐसी है कि जिस चीज के बिना हम काम चला

सकते हैं, उसको हम नहीं मंगाते हैं। मगर ऐसा कभी हो सकता है बाइलेटरल एग्रीमेण्ट्स में थोड़ा नान-एसेंशियल सामान मंगाना पड़ता है, क्योंकि हमारे देश के साथ बाइलेटरल एग्रीमेण्ट करने में हमें फ़ायदा होता है, इसलिये ऐसा सामान मंगाना पड़ता है। इसके अलावा हम कोई नान-एसेंशियल गुड्स नहीं मंगाते।

[**Shri Karmarkar:** The hon. Member might be aware of the fact that our present policy is not to import those goods without which we can pull on. But sometimes it so happens that under bilateral agreements we have to import some non-essential goods because we gain by entering into bilateral agreements with other countries. Apart from that we do not import any non-essential goods.]

Pandit Munishwar Datt Upadhyay: What are the countries to which we exported cotton yarns and manufactures and what are the countries from which we imported them?

Shri Karmarkar: Sir, he can find it out casually in any number of our Foreign Sea Trade journal.

Mr. Deputy-Speaker: There are as many as thirty items of export and thirty-two items of import and the countries are twenty in number. This is the statement. Does the hon. Member want this House to take up this matter of each individual item of export or import? Next question.

REHABILITATION LOANS TO STATES

*917. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Rehabilitation be pleased to state the principle on which loans to various States have been advanced for rehabilitation work?

(b) What are the terms on which the loans have been advanced or are being advanced?

(c) Have the States already prepared their schemes for the utilisation of these loans and submitted them to the Government of India?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Loans are given by the Centre to the State Governments for the rehabilitation of displaced persons in accordance with the requirements of the States and subject to availability of funds.

(b) A statement is laid on the Table giving the details asked for by the

hon. Member. [See Appendix VI annexure No. 14.]

(c) Loans are sanctioned to State Governments only after their schemes have been examined and approved by the Government of India.

Pandit Munishwar Datt Upadhyay: What are the amounts that have so far been advanced under different heads to the States?

Shri A. P. Jain: Sir, it is a big chart of this size (showing a double copy-sheet). I can supply him a copy.

Pandit Munishwar Datt Upadhyay: What is the total?

Shri A. P. Jain: Rs. 47,19,03,000.

Shri Hanumanthaya: What is the State to which the biggest amount has been allotted?

Shri A. P. Jain: Punjab.

Pandit Munishwar Datt Upadhyay: May I know the terms on which the land is resold to displaced persons? I want to know whether an attempt is made to realize the entire amount for which the land has been purchased by the States or some concessions are allowed to the displaced persons.

Shri A. P. Jain: We have not sold any land to the displaced persons except in the townships.

श्री जांगड़े : क्या पुनर्वास राज्यमन्त्री यह बतलाने की कृपा करेंगे कि गत तीन वर्षों में जिन राज्यों के पुनर्वास के लिये लोन दिया गया है, उनमें से कितने राज्यों ने इन रुपयों का उपयोग नहीं किया है और उनमें से बहुत सा बाकी रह गया है ?

[**Shri Jangde:** Will the Minister of Rehabilitation be pleased to state the number of those States who have not utilised the loans advanced to them for rehabilitation work and how much amount has been left with them?]

श्री ए० पी० जैन : कभी कभी तो ऐसा होता है कि एक मद के अन्दर जो रुपया दिया जाता है, वह तमाम खर्च नहीं होता लेकिन आमतौर से जितना पैसा उस मद में होता है, वह सारा का सारा खर्च हो जाता है और उसमें भी अधिक मांगा जाता है ।

[**Shri A. P. Jain:** Sometimes, it so happens that the amount advanced

under any particular head is not utilised in full but generally all the amount under any particular head is utilised and the States ask for more.]

Pandit Munishwar Datt Upadhyay: It appears from the statement that housing loans are advanced for the building of townships, or houses and tenements for sale or rent to displaced persons and for the purchase of land to be resold to displaced persons in plots. I wanted to know whether some sort of concession will be allowed to displaced persons or whether the land will be resold or the entire amount attempted to be realized.

Shri A. P. Jain: I thought it was a question in general. Of course, a certain number of plots are resold to displaced persons in some of the colonies and there we charge the original value of the land plus the cost of development. In fact in most of the cases the value of the land has been based at a very low figure. For instance, the Improvement Trust gave this Ministry a piece of land near Ajmeri Gate which is at present selling at about Rs. 2 or 3 lakhs an acre and we have fixed the price of this land at about Rs. 5,000 an acre. So generally the value of the land is much below the market value.

Sardar B. S. Man: I want to know whether this loan which has been advanced has been there for the rehabilitation of the State Governments or the refugees.

Mr. Deputy-Speaker: Next question.

HANDLOOM CLOTH (EXEMPTION FROM EXPORT DUTY)

*918. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that Government have decided to exempt handloom cloth from export duty?

(b) If the answer to part (a) above be in the affirmative, what is the date from which this decision has been given effect to?

(c) What is the estimate of the fall in revenue on this account?

The Minister of Commerce and Industry (Shri Mahtab): (a) There is no export duty on handloom cloth. The question of exemption therefore does not arise.

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

Shri S. N. Das: May I know what is the total quantity of handloom cloth that is allowed to be exported from India?

Shri Mahtab: Any quantity. There is no restriction on export of handloom cloth.

Prof. Ranga: What steps are being taken by Government to encourage the export of our handloom cloth, especially the *lungis* and other things?

Shri Mahtab: The policy that I have been pursuing is that whenever neighbouring countries come to us for any kind of agreement, I try to impose upon them certain amount of our handloom cloth.

Mr. Deputy-Speaker: Next question.

SUBSIDY TO COMPANIES

*1919. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Government of India have decided, as a general rule, to give subsidy only to those companies which agree to have on its Board of Managing Directors a representative of the Government of India as one of the Directors with the same powers, privileges and functions as any other Director on the Board;

(b) if so, the number of companies that have accepted this proposal; and

(c) the number of such companies for which Government representatives have already been nominated?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, by a resolution issued on the 12th July 1951.

(b) and (c). These questions do not arise as no subsidy has been granted since the issue of the resolution.

Shri S. N. Das: May I know whether the companies which are already given subsidies have also been asked to give effect to this proposal?

Shri Mahtab: No. We are not giving retrospective effect to this resolution. Hereafter the industries which will receive the subsidy will abide by these conditions.

Shri S. N. Das: May I know how will this resolution apply in the case of individual firms which are now working on a company basis?

Shri Mahtab: As far as I am aware no individual firm is given any subsidy. An industry as such is given a subsidy and no individual firm is given any subsidy by any Government.

WORK-CENTRES

*920. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Rehabilitation be pleased to state the number of work-centres which are being run by the Ministry?

(b) What has been the expenditure over these centres in each of the years 1949 and 1950 as also the income, if any?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Ten.

(b)

	1949-50	1950-51
	Rs.	Rs.
(i) Expenditure	5,02,465	10,52,619
(ii) Receipts	1,17,205	4,01,981

Shri Kishorimohan Tripathi: May I know if the accounts of these work-centres have been audited and if so, by whom?

Shri A. P. Jain: I want notice of the question.

Shri Kishorimohan Tripathi: May I know if the hon. Minister could indicate the total proceeds from the sale of articles in these work-centres as also the relative cost of supplies?

Shri A. P. Jain: I cannot go into all these details such as the cost of production, wages paid etc.

Mr. Deputy-Speaker: The hon. Minister wants notice.

Shri A. C. Guha: May I know how many work centres are there in Assam, Manipur, Tripura and West Bengal?

Shri A. P. Jain: Except in Fulia all the work centres in West Bengal are run by the State Government.

Shri A. C. Guha: Assam and Tripura?

Shri A. P. Jain: So is the case of Assam and Tripura.

Shri A. C. Guha: Are there any work-centres in Assam?

Shri A. P. Jain: Yes, there are.

SURPLUS STORES

*921. **Shri A. C. Guha:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the book value of surplus stores declared as such during the year 1950;

(b) the book value of the surplus stores sold during the year 1950 and the actual price realised; and

(c) the establishment charges including rents and other charges for the different units containing the surplus stores since the 15th August, 1947?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The book value of surplus stores (other than American) declared during the

Calendar year 1950 was Rs. 5:08 crores.

(b) Stores of the book value of Rs. 79'44 crores were sold during 1950 realising Rs. 17:73 crores.

(c) The establishment charges, including rent and other charges in respect of USASS Depots and Jute Mills holding American surpluses, other Directorate General (Supplies and Disposals) Depots holding non-American surpluses, certain Army Depots and the amount paid to Tatas was Rs. 5:07 crores.

It has, however, not been possible to collect figures in the time allowed in respect of depots holding Q.M.G., D.O.S., D.G.O.F. and Air Force stores.

Shri A. C. Guha: With reference to part (a) may I know from which Department are these stores declared as surplus?

Shri Gadgil: This amount represents the surplus declared by the Defence Department.

Shri A. C. Guha: May I know if no other departments have any surplus articles?

Shri Gadgil: No.

Shri Jnani Ram: May I know when the book values of these stores were assessed?

Shri Gadgil: I have stated that during the calendar year 1950 the book value of goods sold was Rs. 79'44 crores and the realized value was Rs. 17:73 crores.

Shri Sondhi: He wants to know as to how it was assessed.

Shri Gadgil: The book value is assessed according to the value given at the time the surplus store was handed over to this Department. As regards realization, it is the actual cash realized.

Shri Jnani Ram: May I know if the book values have been increased since the department took charge of these articles?

Shri Gadgil: The book value remains because it is written in the book when the stores were purchased and handed over to them.

Shri T. N. Singh: The Government have been paying certain commissions to Tatas for disposal of goods in their charge. May I know what is the balance left to Government after paying off the commission dues to them?

Shri Gadgil: The contract with the Tatas was that they were to be paid

the establishment charges plus some commission on the book value of the goods. That contract has been very recently revised. As regards the further particulars asked by my hon. friend, I naturally require notice.

Shri Shiva Rao: May I ask whether my hon. friend has any information with him now to indicate the amount of surplus stores given to educational institutions and the terms under which these educational institutions generally receive them?

Shri Gadgil: The policy has been, the first charge is of the priority indentors namely the Central Government, then State Governments, then local bodies and then educational institutions and such other public institutions. Always concession rates are given to educational and other charitable institutions.

Shri Shiv Charan Lal: By what time, Sir, are these surplus stores expected to be sold out?

Shri Gadgil: As soon as the Defence Department stops the declaration of surpluses, this wing of the department will be closed. Meanwhile what happens is that every three or four months they continue to declare surpluses. As has been replied to part (b) of the question, during this year they declared surpluses to the extent of 5:08 crores.

Shri T. N. Singh: A circular was enforced by the Government that before any disposal goods were given to others, Government requirements should be taken into consideration first. Out of the 70 crores disposed of, may I know what is the amount which has been spent by the various Government departments in such purchases?

Shri Gadgil: I require notice.

Shri A. C. Guha: With reference to part (a) of the question, may I know how the book value of these stores which were declared surplus was determined?

Shri Gadgil: I have already replied to that.

Shri A. C. Guha: On what basis is the book value determined? I wanted to know that.

Mr. Deputy-Speaker: It is the book value when the goods were purchased. Next question.

HOUSES FOR DISPLACED PERSONS (PRICES)

*924. **Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the residences constructed in various colonies in Delhi for displaced persons are sold to them on actual cost incurred by Government or whether anything over and above the cost price is also included in the price quoted;

(b) whether it is a fact that an allottee in Patel Nagar was required to deposit Rs. 7,000 as the estimated price of a house and that the amount was subject to adjustment when the final cost price was known; and

(c) whether final cost figures have, by now, been ascertained and if so, what are those?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The residences constructed in various colonies in Delhi for displaced persons are sold to them on actual cost.

(b) Yes.

(c) Figures are not yet known.

Sardar Hukam Singh: Are there other colonies also besides Patelnagar where such *ad hoc* amounts have been deposited by purchasers?

Shri A. P. Jain: Yes.

Sardar Hukam Singh: What are the C.P.W.D. charges for supervision in these colonies?

Shri A. P. Jain: I think at present they are 8 per cent.

INDO-GERMAN INDUSTRIAL CO-OPERATION

*925. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state whether a Scheme for Indo-German Industrial Co-operation has been recently approved by the Government of India?

(b) What are the details of the Scheme and when is the Scheme going to be given effect to?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes Sir.

(b) The main features of the Scheme as approved are—

(i) the visit of a German Technical Mission to India to see in what way German industry can assist Indian industry, and

(ii) technical training in Germany of Indian personnel and reciprocal fellowships to Germans in India for the study of Indian Philosophy.

The time of the visit of the Mission

has not yet been decided. The Scheme for training has been approved by the Standing Finance Committee and will be finalised after consultation between our Legation in Bonn and the German Universities and industries concerned.

Shri M. Naik: May I know whether this scheme refers to both East and West Germany?

Shri Mahtab: Only West Germany.

Shri M. Naik: May I know whether any candidates have been selected for receiving training in Germany, so far?

Shri Mahtab: It has not been done so far. The proposals have been passed by the Standing Finance Committee and the scheme will be finalised very soon.

Shri Kamath: Is there in India a Trade Consul representing West Germany and if not, has the German Government informed our Government that one will be appointed shortly?

Shri Mahtab: It is another question altogether.

Dr. Deshmukh: How long ago was this scheme approved, and by what time could we expect all the details to be finalised?

Shri Mahtab: All the details have been finalised at many inter-departmental committees and the scheme was placed before the Standing Finance Committee under the rules. They have approved of it. Now, it will take its own course.

Mr. Deputy-Speaker: Next question.

CONTROL OF JUTE

*926. **Saikh Mohiuddin:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any scheme before Government to control the jute market; and

(b) what the target of export of jute to foreign countries during the current year is and to which countries it is to be exported?

The Minister of Commerce and Industry (Shri Mahtab): (a) No.

(b) I presume the hon. Member is referring to jute goods and not raw jute the export of which is not being permitted. Export of jute goods to hard currency countries is not subject to any destination quota restrictions. As regards soft currency countries, I place on the Table of the

House a statement showing the destination quotas so far allotted to such countries for the periods January-June and July-December 1951. [See Appendix VI, annexure No. 15.]

Saikh Mohiuddin: May I know whether it is a fact that by the irregular rise and fall in the prices of jute in the country, sometimes the jute growers are very much affected?

Shri Mahtab: Because of the fall in the price of manufactured jute goods, the price of raw jute has fallen down. But, it has not so much fallen as the hon. Member suggests. As a matter of fact, the control price was Rs. 35; it is still Rs. 70. It went up to Rs. 120 in the middle; now it has come down from Rs. 120 to Rs. 65 at the present moment. Even then, it is high.

Mr. Deputy-Speaker: There is another question on jute; next question.

JUTE GOODS

*927. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state what are the countries which are the chief consumers of Indian jute goods?

(b) Is it a fact that there has been a marked fall in prices of jute goods in foreign markets recently, and if so, to what extent?

(c) Have Government decided upon any measures to meet the situation arising out of it?

The Minister of Commerce and Industry (Shri Mahtab): (a) U.S.A., Australia, U.K., Argentine, Cuba, Burma, Canada, China, Thailand, British East Africa, Egypt and Pakistan.

(b) Prices in different markets rise or fall according to the demand and supply position. Compared to the high prices prevailing immediately after the de-control of prices in India, there has been an all round fall in jute goods prices. The price of hessian (40" x 10 ozs.) per yard in U.S.A. was 34.0 to 35.5 cents in March-April-May until a ceiling price of 32.30 cents per yard was fixed by the U.S.A. Government in May 1951. Since July, there has been a fall and on 31st August 1951, the spot market price came down to 25 cents per yard. The fall in prices in foreign markets is reflected in the fall in the Calcutta prices of jute goods generally.

(c) Government are carefully watching the situation. As the hon. Member is no doubt aware, Government have recently announced their decision not to remove the present export duties on hessian and sacking.

Shri M. Naik: May I know how far the fall in the price of jute goods has affected our foreign trade in jute?

Shri Mahtab: Up till now, no appreciable change in the situation has occurred. We are very carefully watching the situation and whenever necessary, necessary steps will be taken.

Shri Sarangdhar Das: May I know how far the fall in demand in America is accounted for by the discovery of substitute paper and cloth packing?

Shri Mahtab: I do not think the substitutes have anything to do with this. The stock-piling has now considerably decreased and therefore the demand has decreased.

Shri A. C. Guha: The hon. Minister stated that the present price is only 25 cents for hessian in the American spot market. Can the hon. Minister give us the figure as to what would be the price of Indian hessian after paying the export duty in America?

Shri Mahtab: I may assure the hon. Member that the present prevailing prices in America and other countries were thoroughly discussed and we came to the conclusion that the export duty in the present circumstances need not be reduced.

Shri A. C. Guha: My question was whether our jute goods particularly hessian, after meeting the cost of production plus the export duty can be sold at 25 cents.

Shri Mahtab: That is our view; the prices obtaining in foreign countries will be profitable to our industry even after paying the export duty.

Mr. Deputy-Speaker: The Question-hour is over.

Shri Shiv Charan Lal: Sir, may I know by way of information the position to-day? On the last day we were given to understand that the Hindu Code Bill will be coming up to-day and

Mr. Deputy-Speaker: Order, order. Let not the proceedings of the House be interrupted by such sudden suggestions or queries. Now we proceed to the Short-Notice Questions.

Short Notice Questions and Answers

TALKS WITH MR. GRAHAM

Dr. Deshmukh: (a) Will the Prime Minister be pleased to state on how many occasions he met Dr. Graham, the U.N.O. Representative on Kashmir?

(b) Is there any likelihood of a further meeting with Dr. Graham?

(c) Do Government propose to make a statement on these interviews?

The Prime Minister (Shri Jawaharlal Nehru): (a) I met Dr. Graham on a number of occasions during his visits to Delhi. I do not remember the exact number of such occasions, but they were certainly seven or eight, or more.

(b) Dr. Graham is on his way back to Europe. There is therefore no likelihood of meeting him in the near future.

(c) Government do not propose to make any statement in regard to these interviews at this stage.

Dr. Deshmukh: Are we to understand, Sir, that the situation remains completely unchanged, in spite of these interviews, and that is the reason why no statement is possible?

Shri Jawaharlal Nehru: Nothing remains unchanged in this world from moment to moment.

Prof. Ranga: Sir, is it not the fact that we did not accept the Resolution of the United Nations appointing Dr. Graham on this mission and if so are the interviews that he has had with the representatives of our Government, including our Foreign Minister unofficial or semi-official?

Shri Jawaharlal Nehru: It is rather difficult to draw the line between official, semi-official or non-official. They overlap. But as the House knows, so far as the Resolution of the Security Council is concerned, Government of India did not accept it. When Dr. Graham came over we had informed him even previously that we would gladly meet him and treat him as a distinguished guest, and so when he came we met him on many occasions, and discussed many problems with him, not the Resolution of the Security Council as such, but relating to other problems. We answered him and if he wanted any information we gave him that information. And that is how we proceeded.

Shri Kamath: Without disclosing, Sir, in the public interest, the report or plan of Dr. Graham which he is about to submit to the Security Council of the U.N., is the Prime Minister in a position to tell the House whether Dr. Graham has shown that report to him before he left India?

Shri Jawaharlal Nehru: Well, he has certainly not shown it. Further, so far as I know, he has not written it. Further, I don't think he has quite

decided—I am not sure whether he has decided what to write in it.

Dr. Ram Subhag Singh: In view of the fact that the Government of India did not accept the Resolution of the Security Council as the Prime Minister just now stated, what would be the position of the Government of India in regard to the recommendation which Dr. Graham might make?

Mr. Deputy-Speaker: But he has not yet made any.

Shri A. C. Guha: We have seen press reports that Dr. Graham has submitted certain proposals to the Pakistan Government. Have the Government of India any knowledge of the contents of those proposals and may I know whether he has made any proposals to the Government of India also?

Shri Jawaharlal Nehru: I do not know about his dealings with the Pakistan Government; but Dr. Graham, in the course of his enquiries and in the course of his visits here has investigated rather limited aspects of somewhat particular problems, not the whole problem, but limited aspects of it. And he sought information about it, what our viewpoint was in view of our past declarations and so on and so forth. And in this way one or two papers have been given to us to find out our reactions to them. But to call them as any kind of formal proposals is much too premature.

LOANS ADVANCED TO DISPLACED PERSONS

Shri Sondhi: (a) Will the Minister of Rehabilitation be pleased to state whether Government are aware that there is acute slackness of business in Punjab owing to various causes including the tension between India and Pakistan?

(b) Are Government aware that the displaced persons who had been advanced loans of less than Rs. 5,000 by the Punjab Government will be sorely hit if the loans given by the Punjab Government are realised from them just now?

(c) Are Government agreeable to defer the collection of loans given by the Punjab Government to the displaced persons from West Pakistan?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) to (c). Government are not aware of any general acute slackness of business throughout the Punjab which may be confined at best to certain areas. Therefore, no question of any general hardship being caused by the realisation of loans arises. Loans to displaced persons in States are advanced

through the State Governments and Central Government is not prepared to order postponement in the realisation of loans, but if the Punjab Government makes a request, the Central Government will consider on merits.

Shri Sondhi: Sir, what is the exact meaning of the words "on merits" occurring at the very end of the hon. Minister's reply?

Shri A. P. Jain: "On merits" mean that I will also keep certain forthcoming interests of the hon. Member in mind.

Shri Sondhi: Is it not a fact that only ten days back two officers of the Reserve Bank under instructions of the Government of India were sent to find out on the spot the present critical financial position of business there?

Shri A. P. Jain: Obviously the question implies that the hon. Member knows more than myself.

Shri Sondhi: In view of the fact that the present Government is an agency. Government of the President, will it not be possible for our hon. Minister to give directions so that some move may be made on the part of the Punjab?

Shri A. P. Jain: The right thing must come from the right end, Sir. It is for the Government that is there on the spot to make the move.

Shri Sondhi: But cannot the Government of India act, in view of the fact that the present Government there is an agency Government?

Mr. Deputy-Speaker: That is a suggestion for action.

گیانی جی - ایس - مسافر : کہا
گورنمنٹ ہلد اس بات پر غور کر سکتی
ہے کہ قرضوں کا واپس لینا اس وقت
تک کے لئے ملتوی کر دیا جائے جب
تک کہ ڈیپلہسٹ پرسنل کے کلیمس کا
فیصلہ نہیں ہو جاتا -

[**Giani G. S. Musafir:** May I know if the Government of India are in a position to consider the postponement of the realization of loans till the time the claims of the displaced persons have been settled?]

श्री ए० पी० जैन : जी नहीं ।

[**Shri A. P. Jain:** No Sir.]

Shri Sondhi: Was such a proposition ever brought to the attention of the Government by the Punjab?

Shri A. P. Jain: The question was discussed exhaustively at the Joint Rehabilitation Board meeting at Simla in July last. We had a proposition from the Punjab, which was discussed and we decided not to accept such a general proposition. But we would be prepared to consider any specific recommendation that may come from the Punjab Government.

Shri Sondhi: In view of the fact that this discussion took place in June last when a hint was given to the Punjab Government to put in a proposal and as no proposal has come, will it not be possible for the hon. Member to make a move from this side?

Shri A. P. Jain: There is no hint from this side. It is for the Punjab Government to make any motion it chooses to make *suo motu*.

WRITTEN ANSWERS TO QUESTIONS

PETROL (IMPORT)

*909. **Dr. M. V. Gangadhara Silva:** Will the Minister of Works, Production and Supply be pleased to state:

(a) how much petrol has been imported into India in each of the years 1947-48, 1948-49, 1950-51 (up to 31st December 1950); and

(b) how much less than the normal consumption of India is this import and on what basis have Government restricted the supply of petrol to private vehicles?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The import figures for petrol are as follows:

1947-48—105,488,688 Gallons

1948-49—119,064,164 Gallons

1950-51 (up to Dec. 1950)—159,723,667 Gallons.

(b) The imports of petrol were less than the estimated normal consumption by:

51.61 per cent. in 1947-48,
44.88 per cent. in 1948-49,
22.39 per cent. in 1949-50
16.81 per cent. in 1950-51 (up to 31st
Dec. 1950).

The basis of restrictions while petrol rationing was in force, is given in the second schedule of the Motor Spirit Rationing Order 1941, a copy of which is placed on the Table of the House. [See Appendix VI, annexure No. 16.]

Petrol rationing was lifted completely in October 1950.

COTTON SHORTAGE

*910. **Dr. M. V. Gangadhara Siva:** Will the Minister of Commerce and Industry be pleased to state:

(a) what are the causes for the present shortage of raw cotton in the country;

(b) what steps have been taken by Government to meet this shortage; and

(c) whether Government have approached the United States of America Import Export Bank for a loan to purchase cotton from the United States of America?

The Minister of Commerce and Industry (Shri Mahtab): (a) The present cotton shortage is due mainly to the following reasons:

(i) Partition of the country with most of the irrigated area under cotton going to Pakistan;

(ii) India's production during 1950-51 not being up to estimate owing to unfavourable weather conditions in many parts of the country; and

(iii) inability to import Pakistan cotton due to currency difficulties and imports from abroad falling below expectation owing to limited availability and high prices caused by fall in world production of cotton.

(b) The following steps have been taken by Government:

(i) a target of 40 lakhs bales has been set for the production of cotton in India during 1951-52 and steps are being taken to reach;

(ii) arrangements are being made to import sufficient cotton to cover the deficit.

(c) No.

LOAN TO NEW DELHI MUNICIPALITY

*922. **Shri V. K. Reddy:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that New Delhi Municipal Committee has asked for a loan to carry on improvements to displaced persons' stalls built of Swedish hard-board?

(b) What is the amount asked for?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) No.

(b) Does not arise.

YARN ALLOTMENT TO MADRAS

*923. **Shri V. K. Reddy:** (a) Will the Minister of Commerce and Industry be pleased to state what is the quantity of yarn allotted to Madras State during the last six months month-wise?

(b) What is the quantity allotted to the handloom weavers during that period?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

Quantities of yarn offered to the Madras State by the mills as per running release orders from January to June 1951 and the quantities allotted by the Madras State to the handloom weavers in the State in each month.

Month.	Quantities offered by the mills as per running release orders.	Quantity allotted to handloom weavers.
	(bales)	(bales)
January 1951	15,164	12,764
February 1951	17,988	15,588
March 1951	19,320	16,920
April 1951	13,828½	11,428½
May 1951	18,336½	15,936½
June 1951	17,896	15,496

COAL WASHERIES

*928. **Shri Barman:** (a) Will the Minister of Works, Production and Supply be pleased to state how many Coal Washeries are under erection and of what capacities?

(b) What is the future plan of erection of more washeries and who is to finance the same?

(c) What quantity of metallurgical coal is being exported every year?

The Minister of Works, Production and Supply (Shri Gadgil): (a) There are two Coal Washeries in India, one of which has started functioning and the other is in the process of erection. The one which has started functioning has a capacity of washing 125 tons of coal per hour and the one under erection will have a capacity of 300 tons per hour.

(b) This question is under the consideration of Government and the Planning Commission.

(c) The quantities exported since 1948 are as follows:

1948 ...	26,709 tons
1949 ...	Nil
1950 ...	96,681 tons
1951 (up to 16th August) ...	290,536 tons

INDIANS ARRESTED AND SURRENDERED TO NEPAL GOVERNMENT

*929. **Shri Anirudha Sinha:** (a) Will the **Prime Minister** be pleased to state whether Government are aware that sixteen Indian Nationals of Darbhanga district (Bihar) who were arrested on various dates in March last under orders of the S.P., Darbhanga and S.D.O., Madhubani were handed over to the authorities of the Nepal Government and they are retained in Rajberaj Jail since then?

(b) Is it permissible under the existing Indian Extradition Act to hand over persons of Indian origin arrested on Indian soil for detention and trial in a foreign State?

(c) Is it a fact that no charges lie against them in Nepal and if so, will Government try to ascertain facts through the Diplomatic Channel and secure the release of the persons detained?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (c). Government are not aware of this. An enquiry has been made.

(b) No.

SODA ASH (IMPORTS)

*930. **Shri P. Kodanda Ramiah:** (a) Will the **Minister of Commerce and Industry** be pleased to state the number of the firms and individuals who have obtained licences to import Soda Ash from America and France?

(b) What quantity has been imported?

(c) What quantity has been allotted to the State of Madras?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a)

Import licences are issued for different currency areas and not for any particular country. During the periods, Jan-June 1951 and July-December 1951, the number of importers who have been granted general licences permitting them to import Soda Ash from all sources including America and France was 148 and 28 respectively.

(b) Import-(quantity in cwts).

Country	1949-50	1950-51	Apr.-July 1951.
USA	39,695	131	37
France	3,938	4,433	1,330
Rest	2,02,270	5,91,774	4,04,953
Total	2,45,903	5,96,338	4,06,320

(c) There is no formal control on the distribution of Soda Ash. The question of allotment to any particular State does not, therefore, arise.

MILK POWDER INDUSTRY

*931. **Shri V. K. Reddy:** (a) Will the **Minister of Commerce and Industry** be pleased to state whether it is a fact that Milk Powder industry has asked for Government protection for the industry?

(b) What is the protection given to this industry?

(c) What are the places where Milk Powder is manufactured in the country?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a). Yes Sir.

(b) The Indian Tariff Board to whom the industry's request was referred for investigation and report, concluded, that no case has been made out for the grant of protection or assistance to the Milk Powder industry. This conclusion of the Board was accepted by Government in their Resolution No. 12(3)-T.B./50, dated the 28th July 1951. No protection is therefore given to this industry.

(c) At present, only at Banaras, a kind of infant food named "Vita-Milk" is manufactured intermittently.

DISPLACED EAST BENGAL FISHERMEN

*933. **Shri Amolakh Chand:** Will the **Minister of Rehabilitation** be pleased to state:

(a) whether the Government of India have accepted the U.P. Government's scheme to settle East Bengal fishermen families in the colonization areas of U.P. to improve the fisheries; and

(b) if so, whether the financial commitments of the scheme will be met by the Government of India?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) No, because the scheme was not worth pursuing as it involved the settlement of only twelve families at the most.

(b) Does not arise.

PRINTING TYPES (EXPORT)

***934. Shri Barman:** Will the Minister of Commerce and Industry be pleased to state:

(a) when by a recent order, prohibition has been imposed against the export of printing types to East Pakistan;

(b) whether Government have received any representations from Press-owners Association of West Bengal against the ban; and

(c) if so, whether Government have given further consideration to the matter?

The Minister of Commerce and Industry (Shri Mahtab): (a) A ban on the export of printing types to all destinations has been imposed with effect from the 26th July, 1951.

(b) Yes, Sir.

(c) The matter is receiving active consideration of Government.

EVACUATION OF HINDUS FROM ISAKHEL

***935. Giani G. S. Musafir:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a displaced person named Bhagwan Dass Dua approached the Government of India in 1948, to get his father and 29 other Hindus evacuated from Isakhel (West Punjab) whereas they have not been evacuated so far;

(b) whether it is a fact that the said displaced person requested for Military escort or other facilities to get those persons evacuated;

(c) if so, what the reasons are for rendering no such facilities to him; and

(d) how the Government of India have failed to evacuate these persons from Isakhel?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) Mr. Bhagwan Dass simply asked for the evacuation of his father, and also of 30 other persons stated to be at the same place. He did not ask for Military escort.

(c) and (d). The machinery of evacuation with Indian Military or Police escorts was wound up in June, 1948 after they had reported that almost all persons wishing to go to India had been evacuated. There are now no arrangements with Pakistan for the provision of armed escorts. If persons who had stayed behind now wish to come to India and come to Lahore for the purpose, they are evacuated through our camp there. It is not possible for the Government of India to take steps for evacuation unless the person to be evacuated has himself expressed a desire to that end. This position was explained to Mr. Bhagwan Dass and since he was in correspondence with his father, he was asked to persuade the father to approach our Deputy High Commissioner at Lahore for assistance. The latter has not yet done so. Mr. Bhagwan Dass himself approached the Deputy High Commissioner again in May, 1951 and was requested either to persuade his father to reach Lahore or to send a relative from India to persuade his father to evacuate. Experience shows that it is not in the interest of the person concerned for the Government of India to take the initiative about his evacuation merely on the request of relatives in India.

IRON, STEEL AND PIPES

205. Shri Jnani Ram: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of iron, steel and pipes that are required by different State governments for (i) development schemes; (ii) road projects; and (iii) buildings;

(b) the quantity supplied in the years 1950-51 and 1951-52; and

(c) the reasons for short supply, if any?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Two statements I and II are laid on the Table of the House. [See Appendix VI, annexure No. 17.]

(c) Local production is insufficient and imports are difficult.

DHAURAS FOR RELIGADA COLLIERY LABOURERS

206. Shri Jnani Ram: Will the Minister of Labour be pleased to state:

(a) the number of labourers working at Religada Colliery (Hazari-bagh);

(b) the number of Dhauras for labourers; and

(c) the average number of families that reside in one Dhaura?

The Minister of Labour (Shri Jagjivan Ram): (a) 2,000 approximately.

(b) 675.

(c) One.

COLONIES FOR DISPLACED PERSONS

207. Shri Kishorimohan Tripathi: Will the Minister of Rehabilitation be pleased to state:

(a) the total number of colonies so far established by the Central and State Governments for rehabilitating displaced persons both from East and West Pakistan;

(b) the total number of houses in these colonies; and

(c) the amount of expenditure incurred in respect of them?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 483.

(b) 1,16,729 houses have been constructed and another 48,738 are under construction.

(c) About Rs. 23.21 crores.

The above does not include information about Districts of Assam other than Cachar.

MINISTRY OF COMMERCE AND INDUSTRY (STAFF)

208. Prof. K. T. Shah: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of (i) Gazetted, and (ii) non-Gazetted officers, clerks and class IV servants in his Ministry and its attached and subordinate offices on:

(i) 15th August, 1947; (ii) 31st March, 1948; (iii) 31st March, 1949; (iv) 31st March, 1950; and (v) 31st March, 1951; and

(b) the number of the officers, clerks and class IV servants appointed temporarily in the first instance and subsequently (i) made permanent, (ii) retired or (iii) retrenched, during each of the years 1947-48 (post partition), 1948-49, 1949-50, 1950-51?

The Minister of Commerce and Industry (Shri Mahtab): As the hon. Member is aware, the Ministry of Commerce and Industry came into being only in 1951 as a result of the reorganisation of the late Ministries of Commerce, Industry and Supply, and Works, Mines and Power. The reorganisation has resulted in considerable re-arrangement of the officers and staff as among the newly created

Ministries of Commerce and Industry, Works, Production and Supply and Natural Resources and Scientific Research, and their Attached and subordinate offices. In the circumstances, it is not possible to compile the figures asked for in the Question, with reference to this Ministry as at present organised.

STATUTORY AND NON-STATUTORY BODIES

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

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

(i) the year of their constitution;

(ii) the recurring annual expenditure incurred by them;

(iii) the provision for the audit of their accounts; and

(iv) the method of submission of the report of their activities;

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

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

The Minister of Labour (Shri Jagjivan Ram): (a) to (c). A statement is placed on the Table of the House. [See Appendix VI, annexure No. 18.]

INDIAN IMMIGRANTS TO U.S.A.

210. Dr. Ram Subhag Singh: Will the Prime Minister be pleased to state:

(a) whether annual immigration quota for Indians to the U.S.A. includes Pakistanis too; and

(b) if so, how many Pakistanis are included annually?

The Deputy Minister of External Affairs (Dr. Keskar): (a) No.

(b) Does not arise.

COAL PRODUCTION

211. Dr. Ram Subhag Singh: (a) Will the Minister of Works Production and Supply be pleased to state the total quantity (in tons) of coal produced in India in the year 1950?

(b) How much of this coal was exported to foreign countries?

The Minister of Works, Production and Supply (Shri Gadgil): (a) 31,993,963 tons.

(b) 949,990 tons.

WHITE RUSSIANS IN INDIA

212. Dr. Ram Subhag Singh: (a) Will the Prime Minister be pleased to state whether it is a fact that a party of 23 white Russians have come to India?

(b) If so, from where did they come?

(c) For what period have they been granted visas to stay in India?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) From Sinkiang via Tibet.

(c) Three months.

MICA (EXPORT)

213. Shri V. K. Reddy: (a) Will the Minister of Commerce and Industry be pleased to state what was the quantity of Mica exported during the years 1948-49, 1949-50, 1950-51?

(b) What is the amount of foreign exchange earned from these exports during those years?

(c) Is it a fact that Mica export has been handicapped due to sales tax and the cess imposed on the exports?

(d) What was the amount of sales tax and cess collected from Mica during this period?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is placed on the Table of the House.

(c) No Sir.

(d) Information is being collected and will be placed on the Table of the House in due course.

STATEMENT

Exports of mica together with the exchange earned therefrom in the years 1948-49, 1949-50 and 1950-51.

Year	Quantity	Foreign Exchange earned in Rs.
	Cwts.	
1948-49	340,257	5,93,73,869
1949-50	297,726	6,84,58,430
1950-51	383,430	9,00,57,519

SALT EXPERT COMMITTEE RECOMMENDATIONS

214. Shri V. K. Reddy: (a) Will the Minister of Works, Production and Supply be pleased to state what are the recommendations of the Salt Expert Committee so far implemented by Government?

(b) Is it a fact that a Salt Committee is to be appointed in accordance with the recommendations of the Expert Committee?

(c) What are the functions of this Committee?

The Minister of Works, Production and Supply (Shri Gadgil): (a) A statement showing the recommendations so far implemented is laid on the Table of the House. [See Appendix VI, annexure No. 19.]

(b) An advisory Committee for Salt has already been appointed.

(c) The functions of the Committee are to advise Government on measures to be adopted for promoting and developing the Salt Industry of the country on rational lines, and all other matters incidental thereto.

Monday, 10th September, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XV, 1951

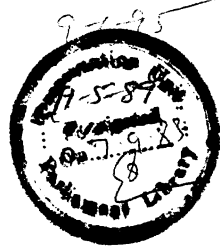
(30th August, 1951 to 22nd September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

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

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PARLIAMENT OF INDIA

Monday, 10th September, 1951

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-41 A.M.

**LEAVE OF ABSENCE FROM THE
HOUSE**

Mr. Deputy-Speaker: Before the House proceeds with any other business, I would like to inform hon. Members that Shri M. Y. Nurie has requested for leave of absence under Article 101 (4) of the Constitution till the end of the current session as he has gone abroad for treatment and rest.

Is it the pleasure of the House to grant him leave?

Leave was granted.

PAPERS LAID ON THE TABLE

**REPORT *re* FLYING OF A FAN BLADE IN
PARLIAMENT CHAMBER**

The Minister of Works, Production and Supply (Shri Gadgil): I beg to lay on the Table a copy of the Report of investigation in connection with flying of a fan blade in Parliament Chamber. [Placed in Library. See No. P-207/51.]

Shri Kamath (Madhya Pradesh): Sir, may I invite your attention to the fact that as a sequel to that accident or as an aftermath, there have been casualties among certain fans in Parliament Chamber. They were removed and have not been restored to their original places. May I know whether they are being examined or have they

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been removed for good because they were found defective?

Shri Gadgil: I am not prepared to answer all these queries. If the hon. Member puts down a separate question I will answer it *in extenso*. (*Interruption*).

Mr. Deputy-Speaker: The Minister will take into consideration the fact that some fans have been removed for examination and if they are found to be in good condition they will be placed back. If hon. Members will read the committee's report they will find that it is felt that these fans may give trouble from time to time. Therefore they are trying to air-condition the whole House.

**STATEMENT SHOWING ACTION TAKEN ON
ASSURANCES AND UNDERTAKINGS**

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a statement showing the action taken so far by the Government on various assurances, promises, and undertakings given during the Fourth Session of Parliament, 1951. [See Appendix VI, annexure No. 45.]

**REVISED STATEMENT *re* DISABILITIES OF
INDIANS IN MAURITIUS**

The Deputy Minister of External Affairs (Dr. Keskar): I beg to lay on the Table a copy of the revised statement relating to disabilities of Indians in Mauritius with reference to the answer given to Starred Question No. 325 asked on the 11th March, 1950. [See Appendix VI, annexure No. 20.]

Hon. Members will recall that in the Budget Session of 1950, in reply to a question by Shri V. C. Kesava Rao, a statement was presented to the House relating to disabilities of Indians in Mauritius. A few points have since been clarified by the Government of Mauritius and accordingly I lay a revised statement in respect thereof on the Table of the House.

DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Minister of Law (Dr. Ambedkar): I beg to present the Report of the Select Committee on the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947.

Shri Kamath: I want to know from the Deputy Minister why this extension has been deemed necessary, how many meetings have been held during the last three or four weeks, whether they could not be held for want of quorum and what stage the work of the Committee has reached.

Shri Deshbandhu Gupta (Delhi): When the consideration of this Bill was postponed by the Select Committee the main reason which weighed with the Committee was that under the Part C States Act the subject matter of the Bill will fall under the purview of the local legislatures. I want to know whether the Government now feels that even this Bill does not fall within the jurisdiction of the local legislatures.

EVACUEE INTEREST (SEPARATION) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Dr. Tek Chand (Punjab): I beg to present the Report of the Select Committee on the Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith.

Shri Thirumala Rao: In fact a meeting of the Select Committee was convened and it met to discuss this Bill but we were confronted with the Passage of the Part C States Bill which was then on the anvil of the Parliament. This is a Bill whose jurisdiction only extends to Part C States and it was thought that there would be some overlapping of jurisdiction and there may not be any necessity or legal justification for passing this Bill which applies to Part C States, each one of which was getting its own individual legislature. But there are certain features in the Bill that can be applied to the areas now under the direct control of the Central Government with regard to the promotion of "Go-samvardhana". That question will be examined by the Select Committee again, so that some desirable features of the Bill may be immediately implemented without postponing them to a time when Part C States will have their own legislatures. It is with that intention that the question has been revived again and we are taking further time to call a Select Committee meeting to see how far the beneficial clauses of the Bill can be immediately brought into force.

GO-SAMVARDHAN BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to promote "Go-samvardhana" and for matters connected therewith, be further extended up to Tuesday, the 25th September, 1951."

Shri Sidhva (Madhya Pradesh): We were told that the question was postponed *sine die*.

Mr. Deputy-Speaker: He wants extension up to the 25th September only.

Shri Kamath (Madhya Pradesh): This is not the first or second time but if I may be permitted to say so, this is what is colloquially, the umpteenth time when Ministers have come forward with a motion for extension of time for the presentation of the Select Committee Report.

Mr. Deputy-Speaker: There is no use speaking on generalities. The hon. Member will confine himself to this particular motion.

Shri Kamath: The date now fixed is the 25th September. But so as to enable the House to take the Bill into consideration, does it mean that the session will go beyond the 28th September, the date up to which this session has now been scheduled?

Shri A. Joseph (Madras): I have given on the 7th notice of a short notice question regarding the formation of the Andhra Province.....

Mr. Deputy-Speaker: Order, order. The question is:

"That the time appointed for the presentation of the Report of the

Select Committee on the Bill to promote "Go-sarnvardhana" and for matters connected therewith, be further extended up to Tuesday, the 25th September, 1951."

The motion was adopted.

Shri A. Joseph : Sir, I had given a short notice question on the 7th regarding the formation of Andhra Province. The Madras legislature members have sent a telegram to the Prime Minister regarding the serious condition of Mr. Sitaram, a veteran leader and a follower of Mahatma Gandhi.....

Mr. Deputy-Speaker : The hon. Member could have tabled a short or long notice question but he ought not to raise it here in the House. It is for the Speaker to admit it or not. The hon. Member could have ascertained about it by seeing me in my office instead of raising it here.

PRESS (INCITEMENT TO CRIME) BILL

Mr. Deputy-Speaker : There are as many as 34 Members on the Select Committee. As it is an important Bill I intend relaxing the usual practice of not allowing Members of the Select Committee to participate in the discussion. At the same time to avoid a long time being taken by speeches on the Bill, which is going to be referred to a Select Committee, I would suggest to hon. Members not to take more than 15 or 20 minutes.....

Some Hon. Members : Ten minutes.

Some Hon. Members : No time limit.

Shri Goenka (Madras) : It was impossible to refer to all the assurances given by the Prime Minister and the Home Minister on the floor of this House when the Constitution amendment Bill was passed, which related to various matters that affected the destiny of this country. I do feel that if you put a time limit on this Bill you deny us the opportunity at least to weep here before our freedom is taken away from us. It has been the general practice of this House that in regard to Bills no time limit is placed and I would beg of you to conform to that practice, which we have always adopted, and no time limit should be placed in regard to the consideration of this Bill. If you place a time limit, you as the custodian of the rights and privileges of the Members of this House will be adopting a procedure which will

be against all canons of justice and fairplay. So far as we who are in a minority are concerned I beg of you to allow us the indulgence of time so that if we cannot convince the House, at least let us convince the world outside about what this Government preaches and practises. I hope you, Sir, as the custodian of our rights will bear this in mind.

Several Hon. Members rose—

Mr. Deputy-Speaker : It is not necessary to have any discussion on this matter. I only wanted to make a suggestion to hon. Members—I hope they will bear it in mind. Let there not be repetition; I do not think any hon. Member wants to repeat, but as far as possible hon. Members will, I hope, try not to make any repetitions or stray far away from the subject. I hope they will address themselves to the main point and proceed. I do not want to impose any time-limit unusually, so far as this matter is concerned, but in view of the other matter that is pending before the House I would urge upon hon. Members to keep this in mind.

Shri Deshbandhu Gupta (Delhi) : I only want to point out.....

Mr. Deputy-Speaker : I have given my ruling.

Shrimati Durgabai (Madras) : I want some information. Is it your intention to fix the number of days also within which you would like discussion on this particular motion to be complete?

Mr. Deputy-Speaker : That is for the House to decide. Hon. Members know definitely that with respect to a Bill the Speaker has absolutely no say in the matter; he has to wait until the last Member is exhausted. I am only saying it lest I should be misunderstood. But it is always open to the House to move for closure, but then the speaker will consider whether sufficient discussion has been held or not. That is the procedure.

Shri Deshbandhu Gupta : I would request the Chair also to bear in mind the fact that some of us are opposed to the very principle of the Bill, and that is why we have given notices of motions for circulating the Bill for eliciting public opinion. So, if even impliedly any time-limit is to be placed, I would suggest that would go against the very rules of discussion.

Shri Kamath (Madhya Pradesh) : May I suggest that while relaxing the rule with regard to the non-participation of Members of the Select Committee in the debate, priority will be

†[Shri Kamath]

given to those Members who are not in the Select Committee?

Mr. Deputy-Speaker: I will always have the level of debate in my mind before I select Members to speak.

Sardar Man may now continue his speech.

Sardar B. S. Man (Punjab): The other day when the House adjourned I was discussing clause 3. In fact, the entire importance of the Bill hangs on the definition of what exactly is "objectionable matter". I do not want to underrate the concessions given and the magnanimity shown to the press by lifting pre-censorship and by not asking the press, in the very first instance, to deposit the security which has been the practice hitherto. But then what use is it when the offences which are sought to be penalised are made so expensive, vague and wide that whatever advantage is given on one hand is sought to be taken by the other? It should be noticed that the present Bill covers a much wider ground than was covered by the existing legislation. Hitherto it had been only "incitement", but now in the very first sub-clause of clause 3 the words proposed are:

"incite or encourage or tend to incite or encourage".

By legal pronouncements we have come to fix certain legal interpretations on the words or phrases used: we know what "incitement" means because it has been judicially interpreted by various courts. But so far as this word "encouragement" goes, it is absolutely a new term, and therefore I would request that before such a vague word is used we may be told what exactly it connotes.

I have discussed sub-clause (iii) already, which deals with criticism of supply and distribution of food or other essential commodities or services. In days of shortage and difficulties of distribution, if it were to be desired by the Government that they should take away from the orbit of criticism this wonderful Supply Department, then it will be going too far and asking too much: in fact, it will mean being untrue and doing injustice to the people outside—the cause which we represent here and the cause which the press represents and seeks to serve—when the right to criticise maladministration is forgone. It is very unjust that the very gruesome practices now prevalent in the Supply Department should go scot-free. In this respect the present Bill is much more pernicious than the existing law.

Again and again, it is made out that the press was asking for a special provision. True, the press did ask for a special provision, but they asked for bread and not a piece of stone to be thrown at their face. To say that when they have come with a special law on the floor of the House the people are not readily accepting it, is, I think, just feigning innocence—as if such a Bill of such a pernicious nature could find ready acceptance on the part of the House or the press outside.

Sub-clause (iv) says: "tend to reduce any member of any of the armed forces". I wonder what "reduction" means. I hope it is an error. Or else it is a coinage of a new word, and the more the coinage of new legal restrictions come forth the more I am afraid. It says, "tend to reduce".

Hon. Members: It should be "seduce".

Sardar B. S. Man: Some of my friends say, "seduce", some say, "induce". I do not know what exactly it means. I do not know what I should adduce from it.

The Minister of Home Affairs (Shri Rajagopalachari): "Seduce" is the word; "reduce" is a mistake—the letter "s" should be read for the letter "r".

Sardar B. S. Man: Then the last few words of that sub-clause are:

".....or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force".

Now, supposing a certain police officer by his arrogant behaviour in the police lines is mismanaging affairs there, or even, if in any of the armed forces certain injustice is being done, then if the press takes it up and attacks that police officer who is mismanaging the affairs in the police lines, or attacks that injustice in the armed forces, it will be very easily interpreted that it is undermining the discipline of that force, and such attacks may be interpreted as "discouraging" people from joining that force whose picture has been painted otherwise. Again and again we were assured that only such offences will be penalised which will lead to violence, which will lead to heinous offences involving violence in all respects. But here is an offence which does not lead to violence, here is an offence which only seeks to remove maladministration or correct the arrogant police officer, but under this sub-clause very easily the Government can cover the criticism of such a kind.

In sub-clause (vi) it says:

"tend to promote feelings of enmity or hatred between different classes of persons in India".

I was saying the other day that this word "classes" is capable of more meanings than one. In fact, it has led to very diverse interpretations. We do not as yet know what exactly Government mean by "classes". A serious political discussion or a serious economic discussion can be brought under the purview of this sub-clause. On the question of the Abolition of zamindari, on the recent occasion of the Zamindari Abolition Bill, there were speeches on the platform, there were writings in the press when people were exhorted to do away with this class of exploiters. It is definitely spreading enmity and hatred between two classes—the exploiters and the exploited. The entire policy and programme of the communists can be brought under the provisions of this clause. Thus, if we allow such a wide sphere and vague words to be used in legislation, we will not know where exactly we stand. The provisions of this Bill, should therefore be strictly confined to communal matters. Shutting out economic and political discussions under the shelter of this provision would not be fair.

19 A.M.

The last sub-clause relates to "grossly indecent, or scurrilous or obscene" matter. The common law is there to deal with obscene or indecent articles. A new word "scurrilous" is now sought to be introduced. We would certainly like to know what exactly this means, because in the hands of capricious persons it can be interpreted in any way they like. For instance a violent attack on certain authorities may be taken to mean "scurrilous". Even Rajaji the other day referred to certain articles about him which, though he personally objected to them, he thought could not be brought under the orbit of this provision. I do compliment him on his cool-headedness, which is becoming of an elderly statesman like him. But all the same we should not forget the fact that there are persons whose tempers are likely to be easily frayed. There have been instances where newspapers have been hauled up often for criticising the prohibition policy or the prohibition fad of the Government. For such innocent actions papers have been proceeded against in Bombay. If such cool-headedness as Rajaji cited the other day were to be prevalent in all the high quarters, I would even be prepared to arm Government with even more stringent powers. But inflammable, quick, touchy and

sensitive minds sometimes rule the country and in their hands this provision is capable of much mischief.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Now I come to clause 4. One of the concessions given to the presses is that no security could be demanded at the time of filing the declaration and unless a paper had transgressed the law, or infringed the provisions thereof, it could not be called upon to deposit security. But in certain eventualities "the sessions judge shall, by order in writing, direct the keeper of the press to deposit as security within fifteen days from the date of the order, such amount as the court may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose."

Formerly the position was that a minimum limit and a maximum limit were prescribed. No person could be called upon to deposit a security beyond a certain limit. But under this magnificent and benevolent concession the press can be called upon to deposit any amount—may be Rs. 5,000, may be Rs. 50,000. This is a matter which requires the serious consideration of the Select Committee and I hope the Committee will prescribe a maximum limit.

Clause 10 gives power to the Government to declare certain publications forfeited. But a departure is made from the existing and normal practice. "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." Just on the certificate of an officer of Government an irreparable damage could be done to a newspaper. Of course, the aggrieved party has the right of appeal. But by the time he appeals, the issue of the newspaper will not be permitted to be circulated and the mischief would have been done before any relief or redress could come to him. I am sure the Select Committee will put this lacuna aright.

Much is made of the concession now extended to newspapers to have the option of jury. I do not want to run down this concession extended to the press. But we have to see what weight is to be attached to the verdict of the jury. Sub-clause (2) of clause 20 says:

[Sardar B. S. Man]

"If in any such inquiry the sessions judge disagrees with the opinion of the jurors and is of the opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly recording the grounds for his opinion."

Suppose in a case a Judge disagrees with the opinion of the Jury, but he considers that the ends of justice do not require the reference of such a case to the High Court. The option is given to the Judge whether to refer the case to the High Court or not, where jurors have given a verdict against the judgment of the presiding Judge. If due weight is to be attached to the opinion of the jurors, irrespective of the fact whether the Judge agrees or disagrees with them, the case ought to be referred to the High Court. Otherwise the advantage of assistance by jury is illusory.

Shri Rajagopalachari: I do not wish a mistake to lie over like this. The hon. Member is certainly making a mistake. If the Judge does not refer the case to the High Court he has to accept the jury's opinion.

Sardar B. S. Man: If it is of advantage to the press it is all right, but as I interpret the words are: "If in any such inquiry the sessions judge disagrees with the opinion of the jurors and is of opinion.....etc."

Shri Rajagopalachari: The hon. Member might accept the interpretation whether it is advantageous or not.

Sardar B. S. Man: Then I come to clause 32—Operation of other laws not barred—which is the most contentious thing. The hon. the Home Minister is now making a complaint that when the amendments to the Constitution were being discussed the idea was very prominently put forward by the gentlemen representing the press that the press was an institution of the greatest importance in the country and a special provision should be made with regard to the freedom which it enjoyed, but now a slightly different turn is given to the same argument and the press is pressing forward and employing an argument as to why a special provision is being brought forward and why they are not being treated under the common law. As regards this complaint, as I have referred to, the misfortune of the public and the press is that when they were pressing their view that they may be given a special provision they were doing so in the hope that the stringency which is already present in the other measures, in such emergency powers of the 1931 Act will be taken away. As

I have referred to, the press perhaps in their mistaken notions of the benevolence of the Government went and approached their doors for bread and a stone is thrown at their face and they are now being taunted with the remark "You yourself asked for a special provision". Well, they asked for a special provision, but not as stringent, as pernicious, even more vague and even more wide. They did press, and it is admitted by no less a person than the Mover...

Shri Deshbandhu Gupta: If I may interrupt my hon. friend, the press only asked for a specific provision in the Constitution that the freedom of the press will not be abridged—which is the substance of the First Amendment of the Constitution of the U.S.A.

Sardar B. S. Man: It is admitted by the hon. Mover himself and in the Statement of Objects and Reasons to the Bill that it was pressed that there are different, divergent and vague laws in different Ordinances and Acts which are leading to a certain confusion and let there be a precise, concise single Act which should govern the functioning of the press. The offences which are now sought to be penalised are already there in the common law. I do not know what emergency has arisen now, because the emergency must be immediate and very serious to the State for warranting the bringing forward of such a law before the Parliament. I ask where is the need for such a law which creates such invidious distinction and which operates to an extent to the prejudice of the press, which creates an invidious distinction between the spoken word and the written word—in these days when there is such a corroding atmosphere, such a stifling atmosphere, such a suffocating atmosphere of section 144 in every State. I do not know the experience of other States, but so far as my State is concerned, in P.E.P.S.U. State out of twenty towns in no less than twelve towns there is already section 144—not that there is any danger, but simply because a visiting Minister who goes there cannot find an easy audience. If there is an unruly audience, an audience which is not prepared to listen to the Minister, very easily section 144 is promulgated. In such a corroding atmosphere, in such a suffocating atmosphere, what hope can there be for me except the pages of the press? You will, therefore, see that the door which was left open is now sought to be shut. Here I work at a disadvantage, because the Ministers can utilise certain occasions like foundation-stone ceremonies or tea parties for airing their policies and

views very easily, whereas the members of the public or their critics who have got to run down their policies do not find such opportunities. Even the other day here we were thinking that perhaps the radio will not be permitted for the use of political parties, but we found that there was a loophole even there. The political parties will not be permitted to use the radio, but the Ministers, "the representatives of political parties" could very easily go and proclaim their views over the radio. Where is the need for the political parties to go about when they have got their own chosen representatives who could use the radio and the press? They could use it as a platform under various disguises and propagate their policies and thereby do propaganda.

Shri Bhatt (Bombay) : The Government party or political parties also?

Shri B. K. P. Sinha (Bihar) : What prevents you from making your own propaganda?

The Minister of State for Information and Broadcasting (Shri Diwakar) : Sir, this is a wrong interpretation of the policy of A.I.R. regarding election propaganda.

Sardar B. S. Man : I am not permitted to lay the foundation-stone of certain presses, of certain dams, of certain new radio stations, and even of cinema houses. These occasions could very easily be used for political propaganda and for telling the people what the benevolent Government is doing for them. For me the doors are closed, but not for you. Section 144 is promulgated on the slightest pretext and we are not permitted even to write articles, what to talk of speeches on platforms? That is my grouse. You have taken away my fundamental right of criticising. You have promulgated detention laws there. You have revived the out-moded laws of section 153. I thought that by the bringing forward of this Bill you will be repealing section 153 of the I.P.C. and that there will be no place for section 124A under that repeal clause. But I find that all these laws are there. All these penal offences are there. The complaint of the Government is that the press is revising its stand and they are asking why it is not accepting such a "benevolent measure". The question is for you to repeal all these pernicious laws which were objected to. They are there. Clause 32 of the Bill which does the greatest mischief of all the clauses 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." You keep alive all those pernicious Acts and

in addition you bring forward this, as if the previous powers were not sufficient. You wanted expeditious and speedy action to be taken and because you want to be expeditious and speedy you want to curtail and bring an axe on whatever freedom is left to the press.

Shri Kamath : Shock tactics?

Sardar B. S. Man : True. I must admit and I do pay my debt of gratitude that I owe to the press here. I do not know and perhaps other hon. Members, experienced in the parliamentary affairs have their own sources of information more authentic than otherwise, will not admit it but I do frankly admit that much of the information—the Jeep scandal, the Sindri Fertilizer scandal, scandals of various kinds of inefficiency and corruption—first came in the press and the hon. Members got the information thereby. I can say without any fear of contradiction that 80 per cent. of our questions are based upon the information contained in the press and if you take away the right of the press to attack the Government, you will be stultifying yourself and the insipid proceedings will become even more timid because the main source of the information of the Members and of Parliament still remains the press. I do compliment the press for their vigilance because many things which escaped otherwise from the public saw their first light in the press and not otherwise. (*Shri Kamath* : Not always). I admit not always. My hon. friend has got his own sources of information. On that account I wanted to give it more latitude. When you refer to sabotage and acts of violence or certain conspiracies being hatched so far as the members of the public or otherwise are concerned, they work in a secretive and surreptitious manner but so far as the writings of the press are concerned, they are there in the public and there is nothing secretive about it. In fact the very purpose of the criticism is defeated if it has not got a wide circulation and if it is secretive the very purpose of the criticism is defeated thereby. Therefore, we should not be so much afraid of criticism in the press and instead of their being brought under the orbit of these detention and such other Acts, their writings need an exception to such Acts. I am quite willing to have this Bill even more comprehensive than this if there was to be an assurance that the press will be excluded from the purview of the detention Acts or from other things, whereas these poor people have now to face the detention Acts along with the members of the public. They are here given an additional disgrace. I do not know but perhaps the President of the All India News-

[Sardar B. S. Man]

paper Editors' Conference can speak more authentically on this matter as to whether there was really any understanding or assurance or a hope given to the press that a certain progressive measure will be brought forth and it may be a domestic matter for the

Shri Deshbandhu Gupta : The assurance was given on the floor of the House. They were also the subject of correspondence which were exchanged between.....

Shri Rajagopalachari : May I know whether my hon. friend is replying on my behalf?

Shri Deshbandhu Gupta : He put a question.

Shri Rajagopalachari : Plenty of opportunity for each hon. Member will be given to express his views without supplementing *inter se*.

Shri Deshbandhu Gupta : It is not a question of supplementing. The hon. Member had referred particularly to me and so I told him that there was no private assurance and that it was an assurance given on the floor of the House.

Sardar B. S. Man : It will be for the President of the All India Newspapers Editors' Conference and perhaps it will be a little uncomfortable for him if I say how an agitation was carried on in the press and how a *hartal* called on a particular day was called off by him and agitation slowed down. Perhaps he might easily say as in the Urdu couplet that the assurances given to him have only turned out to be illusory and he has been betrayed in that confidence. All he can say now is :

تیرے وعدہ پہ جئے ہم تو جاناں کے

جھوٹ جاناں

کہ خوشی سے مر نہ جائے اگر اعتبار

ہوتا -

I can only translate it like this : "My darling, I was mistaken when I believed your word. If it had been true, I would have died out of the very pleasure that it was true."

Now, Sir, I am coming to the end. The hon. Home Minister has expressed the hope that after all it will be just a dead-letter and that it will not be used so often in practice against the press or any such conscientious

offenders. This is like the hope given by a school teacher who places his iron rod on the desk and tells the students : "Please do not be nervous, my boys; I am not going to use it and I hope you will not give me an opportunity to use it." I hope that the press and the boys there will listen to that advice and will behave themselves properly. It is not a hope; it is really a warning and the warning is that they will not give the opportunity, not that if he is given an opportunity, he will not use. The hope is there and that hope is that the press will not give an opportunity like good boys to use his iron rod. In all seriousness, I ask the hon. the Mover of the Bill and the Government through him : "Why this Democles sword be there hanging always on the head?" Let there be grace. Why should assurance that was given on the floor of the House would be implemented, that an inquiry Committee will be appointed to go into the conduct of the press and its working and in the light of that enquiry Committee's findings, new legislation will be brought forward? Till then nothing is going to fall. The States are not going to pieces and the ordinary law is there. The tentacles of law are long enough to hold in its clutches any of the offenders. Why should there not be a grace in this legislation?

श्री एम० पी० मिश्र : जनाब चैयरमैन साहब, जिस दिन यह बिल इस हाउस में आया था उसी दिन शाम को यह बिल अखबारों में निकला। हम लोगों को इस बिल की कापी दो रोज़ बाद मिली। अखबारों में मैं ने जब देखा तो बड़ी बड़ी हैडिंग (heading) लगी थी कि सिक्योरिटी डिपॉजिट (security deposit) की चीजें हटा दी गईं, प्रीसेंसरशिप (precensorship) हटा दी गई। तो मैं सोचने लगा कि यह बिल बहुत अच्छा होगा और जैसा वायदा प्राइम मिनिस्टर ने किया था उस के सुवाबिक होगा। लेकिन मुझे एक ताज्जुब भी उन हैडिंग को देख कर हुआ कि ऐसा बिल राजाजी के हाथ से कैसे आया। मेरे सभी दोस्त जानते हैं कि सन् १९३८

के साल में यही राजाजी मद्रास के प्राइम मिनिस्टर थे। अंग्रेजी राज्य इस देश में मौजूद था। उस अंग्रेजी राज्य के समय में जब राज्यद्रोह हर हिन्दुस्तानी के लिये धर्म था, उस समय राजाजी ने १२४ दफा का इस्तेमाल एक देशभक्त के खिलाफ किया था, और वही राजाजी आज यह बिल ले आये हैं, और ऐसा नया क्रान्तिकारी बिल कि तमाम बन्धन प्रेस पर से हटा दिये गये, तो मुझे उन हैंडिगों को देख कर बड़ा ताज्जुब हुआ। एक तरफ प्राइम मिनिस्टर के बायदे थे और दूसरी तरफ यह हैंडिंग थी। रात को जब मैं ने जा कर देखा और बिल को पढ़ा तो मुझे अपने पर खुशी हुई और उस की बजह यह थी कि मुझे यह उम्मीद नहीं थी कि राजाजी से ऐसा अच्छा बिल प्रेस के बारे में आ सकता था। मेरे दोस्त ने जो कहा है वह सही कहा है कि एक हाथ से कुछ चीजें प्रेस को दी गई हैं, तो दूसरे हाथ से वह ले ली गई हैं। मैं यह कहना चाहता हूँ कि जो थोड़ी सी आजादी देने वाला हाथ है वह काफी रोशनी में है, लेकिन लेने वाला हाथ बहुत छिपा हुआ है, अंधकार में है, और यह राजाजी की खूबी है। राजाजी इस देश में चाणक्य के नाम से जाने जाते हैं। अगर राजाजी ऐसा बिल ले आये कि जो दरअसल खतरनाक न हो तो वह राजाजी का बिल नहीं हो सकता। हमारे यहां पार्लियामेंट में बहुत से साथी बात करते हैं तो वह कहते हैं कि यह बिल तो बहुत अच्छा है। इस में प्रीसेंसरशिप को हटा दिया गया है, हम से अब एग्जीक्यूटिव (executive) सिक्योरिटी नहीं मांग सकती है। वे कहते हैं, यह बिल तो बहुत अच्छा है, प्राइम मिनिस्टर ने जो बायदा किया था राजाजी ने उसे पूरा कर दिया। लेकिन सिर्फ एक

सेक्शन (section) पढ़ लेने के बाद, सिर्फ एक क्लॉज (clause) जिस का इस बिल में नम्बर तीसरा है, उस को होशियारी से पढ़ लेने के बाद मैं कहना चाहता हूँ कि मन् १९४२ के अगस्त महीने में अंग्रेजी हुकूमत इस देश की किसी पार्लियामेंट के सामने अगर ऐसा बिल लाती तो मुझे को कोई ताज्जुब नहीं होता। यह बिल प्रेस के ऊपर से कुछ बन्धन नहीं हटाता है, हटाने की बात तो सिर्फ दिखाऊ है। मैं समझता हूँ कि प्रेस पर इतने बन्धन अंग्रेजी राज्य ने भी कभी लगाने की कोशिश नहीं की थी। अंग्रेजी राज्य ने सिर्फ ऐसे वक्त में ही बन्धन लगाये थे जब देश में कांग्रेस की तरफ से उस के खिलाफ खुली बग़ावत देश में मन् ३० में या मन् ४२ में की गई थी। नहीं तो, मन् १९४० में भी लड़ाई के ज़माने में भी, ऐसे बन्धन नहीं थे। इसलिये मैं बहुत हैरत में हूँ कि कांग्रेस की सरकार की तरफ से, उस की कैबिनेट (Cabinet) की तरफ से, मैं भी कांग्रेस पार्टी का एक सदस्य हूँ, ऐसे समय में ऐसा बिल क्यों लाया गया जो प्रेस की आजादी को, लिखने की आजादी को इस तरह छीनता है। मैं समझता हूँ कि प्रेस की आजादी देश की आजादी का और जनता की आजादी का प्रतीक है। जिस देश में अखबारों को आजादी नहीं है, जिस देश में लिखने और पढ़ने की आजादी नहीं है, उस देश में न डिमोक्रेसी (democracy) रह सकती है, न राजनैतिक आजादी रह सकती है और न जनता की ही आजादी रह सकती है, जनतन्त्र की तो बात ही करना अलग है।

राजाजी ने उस दिन कहा कि आबजैक्शनेबल मैटर (objectionable-matter) आपत्तिजनक चीज, क्या है,

[श्री एम० पी० सिन्घ]

इस की डैफिनीशन (definition) करने में हमें थोड़ी छूट से काम करना होगा। उन्होंने कहा कि इस पर अगर हम कुछ बन्दिशें लगा दें तो उन को शायद फिर डर है कि अदालतें फिर उन बन्दिशों को रहने ही न दें। लेकिन जिन बन्धनों को उन्होंने रखा है वे इतने हैं कि मैं बहुत अच्छी तरह कह सकता हूँ कि इस कानून के पास हो जाने के बाद अधिकारियों को इतना हक रहेगा कि कोई भी सरकार की साधारण मामूली भी आलोचना नहीं कर सकेगा, कोई भी वह बात नहीं बोल सकेगा, कोई भी अखबार वह बातें नहीं लिख सकेगा जो सरकार को अच्छी न लगे, जो अधिकारियों को अच्छी न लगे। अच्छी ही नहीं, बल्कि जो बातें उन को पसन्द न हों। जो बातें अधिकारियों को पसन्द हों, उस के अलावा कोई दूसरी बात प्रेस वाला नहीं लिख सकेगा। यह ठीक है कि इस कानून के बावजूद इस के चलाने वाले चाहें तो प्रेस को सब कुछ लिखने दें। लेकिन इस कानून में जो इतनी सी यह बात है, "इंटरफीयरेंस विद एडमिनिस्ट्रेशन आफ ला" ("interference with administration of law") यह बहुत गलत चीज है। आप के यहाँ बहुत से कानून हैं। कोई डिस्ट्रिक्ट मैजिस्ट्रेट दफा १४४ या करफ्यू, इस तरह की चीजें किसी शहर पर लगा दें जहाँ इन की आवश्यकता नहीं है, जहाँ किसी तरह की गड़बड़ी नहीं है, तो कल को कोई अखबार लिखता है कि १४४ क्यों लया दी, करफ्यू क्यों लगा दिया गया, तो आप कहेंगे कि वह हमारे ला (law) के साथ इंटरफीयर (interfere) करता है।

राजाजी की एक दलील मुझ को याद है। उस दफा उन्होंने कहा था कि जब

हम एक कानून पास करते हैं, पार्लियामेंट की राय उस के पीछे है, उस को लागू करते हैं तो उस के पीछे पार्लियामेंट की राय है, उस के खिलाफ किसी को बोलने का अधिकार नहीं है।

देश में बहु सीत चीजें कानूनी हैं और जो कुछ राज्यों के अन्दर होता है सब कानूनी है, तो उसके खिलाफ अगर मुझे बोलने से बन्द कर दिया जाय, तो वह कानून तो आप अजल के बक्त तक नहीं बदल सकते, वह चीज तो सब दिन वैसी रहेगी। इस लिये सरकारी कानूनों के खिलाफ बोलने का तो हमारा जन्मसिद्ध अधिकार है। जो कानून सरकार द्वारा पेश हों, उन कानूनों को हम बदलवाने की कोशिश करें, यह डेमोक्रेसी है, जनतन्त्र है। लेकिन फर्क इतना ही है कानून के लागू हो जाने पर हम यह नहीं कह सकते कि दफा १४४ हम तोड़ दें या करफ्यू आर्डर के लगे होने पर रात के समय हम सड़कों पर धूमें। डेमोक्रेसी में, प्रजातंत्र में हर पुरुष हर आदमी और हर नागरिक को इस बात का अधिकार है कि वह कहे कि यह नाजायज़ कानून है, यह नाजायज़ आर्डर है और दफा १४४ नहीं लगनी चाहिये, व करफ्यू आर्डर लगाना नाजायज़ है, सरकार ने ज्यादती की है, सरकार ने जुल्म किया है, यह सब कहने का हमारा अधिकार है। लेकिन अगर यह प्रेस बिल कानूनी हो जाता है, तो उसका बड़ा अधिकार खत्म हो जाता है।

मैं इसके पहले यह कहना चाहता हूँ कि जब कांस्टिट्यूशन अमेंडमेंट बिल (Constitution Amendment Bill) पर यह पार्लियामेंट विचार कर रही थी, तो देश में इसके खिलाफ बहुत

और का आन्दोलन उठा, प्रेस ने एक आवाज से और देश की दूसरी संस्थाओं ने और देश के तमाम लोगों ने भी और पार्लियामेंट के सदस्यों ने भी इस बात पर और दिया कि प्रेस पर प्रतिबन्ध नहीं रखा जाना चाहिये। तो उस समय प्राइम मिनिस्टर ने कहा कि जब सरकार १९ (२) अमंड (amend) कर रही थी, उस के विभाग में प्रेस पर बन्दिश लगाने का कोई स्थान नहीं था, यह प्राइम मिनिस्टर के भाषण में है। उस के बाद उन्होंने कहा कि हम शीघ्र ही एक ऐसा कानून लायेंगे कि वह तमाम कानून जिन को कि अंग्रेजों ने प्रेस की आजादी खत्म करने के लिये बना रक्खे थे, उन को हम हटा देंगे। इस लिये सरकार पर इस बात का तकाजा था कि वह एक ऐसा रिपीलिंग बिल (repealing bill) छाती जिस से कि १९३१ का जो प्रेस ऐक्ट, जैसे तमाम कानून और धारायें जो प्रेस पर बन्दिश लगाती हैं, उस को सरकार हटा लेती और उस के बाद इंडियन पेनल कोड (Indian Penal Code) में बनी धारायें थीं जो प्रेस की आजादी को, नागरिक की आजादी को सही हद तक रोकती हैं जिस हद तक देश में वह अराजकता को पैदा न करे और देश की आजादी को खतरे में न डाले, और देश की सुरक्षा को खतरे में न डाले और वह समारे कानूनों में मौजूद हैं।

मैं आप से कहना चाहता हूँ कि यदि प्रेस को, अखबारों को अगर एक नागरिक से ज्यादा अधिकार नहीं मिलने वाला है, तो उन को कम से कम इतना अधिकार तो जरूर मिलना चाहिये जितना कि एक आधा नागरिक को मिला हुआ है। इसलिये यह कहीं तक शक्ति है कि अब

उस पर वह तमाम कानून लगाने वाले हैं, जो इंडियन कोड में हैं, इंडियन पीनेल कोड में मुक्तलिफ़ धारायें हैं, उन में अराजकता फैलाने के खिलाफ़ और कानून तोड़ने के खिलाफ़ भी धारायें हैं और जब आप इंडियन पीनेल कोड की धाराओं के मुताबिक एक पत्र के सम्पादक पर, संचालक पर, और अखबार के छापने वाले पर, अगर वह उन धाराओं के खिलाफ़ जाता है, उचित कार्यवाही कर सकते हैं, तो मैं नहीं समझता, उस के लिये एक अलग कानून बनाने की क्या जरूरत है ?

इसलिये असली बात यह होनी चाहिये कि जो हटाने वाली चीजें हैं उन को हटा कर बाकी इस बिल की धारायें वापिस ली जायें। अगर यह संभव नहीं तो फिर छे महीने तक इस बिल को जनता की और प्रेस की राय लेने के लिये भेज दिया जाय।

दूसरी मुश्किल इस बिल के सम्बन्ध में यह है कि एक ही कसूर के लिये दो-दो, तीन-तीन सजायें हैं। एक तो साधारण सी बात है कि एक नागरिक को एक ही कसूर के लिये दो-दो सजायें नहीं मिलनी चाहियें, इस बिल में दो तीन सजायें हैं। एक तो आप का प्रेस पब्लिशर (publisher) है उस के लिये सजा है, सम्पादक होता है; उस के लिये सजा, उस का प्रेस जब्त किया जा सकता है, उस को सजा भी दी जा सकती है, जेल भी भेजा जा सकता है। ऐसी बात इंडियन पीनेल कोड में नहीं है। आखिर प्रेस ने ऐसा कौन सा कसूर किया है जो ऐसी बन्दिशें लगाई जायें और सरकार के हाथ में यह और हथियार दिवें जायें ? और वह भी जब हम सब जानते हैं कि

[श्री एम० पी० मिश्र]

देश में अगर सब से ज्यादा फिक्र आजादी की किसी को हो सकती है, तो वह प्रेस को है। और देश की आजादी की लड़ाई में प्रेस का स्थान किसी से पीछे नहीं है। सब जानते हैं कि देश के अखबारों ने बड़ी मुसीबतों का सामना किया है, बड़े जुल्मों और अत्याचारों का सामना करके देश की आजादी की लड़ाई का साथ दिया और इतने जोर से साथ दिया कि सन् १९४२ में तमाम अखबार बन्द कर डाले गये, १९३० में अखबार बन्द कर दिये गये, सैकड़ों प्रेस लूट लिये गये और छान की मशीनें अंग्रेजों ने बरबाद कर दीं और यह वह जुमाना था जब हमारे बड़े बड़े पूंजीपति लोग अखबारों को नहीं चलाते थे, बल्कि देश के गरीब लोग अखबार निकालते थे, छोट मोटे लोग अखबार निकाला करते थे जिन की कि रोटी और रोखी अखबार से चलती थी। उस जमाने में उन्होंने देश की आजादी की लड़ाई में अंग्रेजों का विरोध किया और देश का साथ दिया, उन लोगों के खिलाफ देश की पहली आजाद सरकार, जो डेमोक्रेसी और जनतंत्र का सदैव दम भरती है और जिनने जनतंत्र के आचार पर एक विधान भी पास किया है, वह उन पर इतनी बन्दिशें लगायें, यह बड़े तांजुब की चीज है और मैं तो कहूंगा यह बड़े शर्म की बात है। मुझे कल एक भेरे प्रेस के दोस्त ने बतलाया कि यह कानून अगर पास हो जायगा, तो हम प्रेस वाले समझेंगे कि हमारे लिये सिर्फ चार वर्ष की आजादी थी, और यह चार वर्ष आजाद रह कर हम फिर अंग्रेजी राज्य की गुलामी में वापिस चले गये। और मैं समझता हूँ कि उस की राय ठीक थी। यह कानून अगर इसी रूप में जैसा पेश हुआ है पास हो जाता है और अगर यह कानून इस का

चारों तरफ विरोध होने पर भी वापिस नहीं लिया गया तो मैं कहने पर मजबूर हूँ कि प्रेस की आजादी नाम की कोई चीज इस देश में नहीं रहेगी और इतने वायदे जो सरकार ने इस हाउस के बाहर और भीतर किये थे, उन का कोई मूल्य नहीं रह जाता है। इस हाउस के भीतर सरकार ने क्या वायदा किया था? मैं आप को बताना चाहता हूँ कि स्वयं पंडित जवाहरलाल नेहरू ने भी यह कहा था कि हमारे दिमाग में भी नहीं है कि हम प्रेस पर कोई पाबन्दी लगायें। और उन्होंने ने यह भी कहा था कि हम एक ऐसा कानून ला देंगे कि जिस से इस बिल की यह तमाम बन्दिशें हट जायेंगी। जो उन्होंने कहा था मैं उसे हाउस को पढ़ कर सुनाना चाहता हूँ :

"Now as I stated previously, when we brought forward these amendments, any desire to curb or restrain the freedom of the press, generally speaking, was exceedingly far from our minds. That, of course, is no excuse, or no reason, if in effect the words do that—I realise that—and it is folly for any Government to say, 'We did not think of this', when a certain consequence inevitably flowed from that action. That is perfectly true. Nevertheless, there is something in it when I repeat that any desire to curb the freedom of the press was not before us. We are dealing with a particular situation, I think a difficult situation, a situation which grows more difficult, for a variety of reasons, national and international. And it was not in terms of curbing the press, but it was rather in wider terms that we thought of this problem. Because we were all the time considering the question of the press rather independently, we wanted to deal with it independently, to put an end to some old laws and bring something more in conformity with modern practice, in consultation with those people who are concerned with this matter. However, it is perfectly true that whether we thought of it or not, this affects the situation to some extent. It

affects it in two ways: One, directly, that is to say, a certain thing has been done which may put an obstruction in the way of the press in theory, and, secondly, it may give a chance to a Government to impose some disabilities, that is the Government may have the legal power to impose some disabilities unless some change is made. Both are possibilities, I recognise that. So far as we are concerned, we do not wish, and we do not wish any State Government, to take unfair advantage or any advantage of this change to curb the freedom of the press, generally speaking, and we wish to review the whole scheme as soon as possible. But I would beg of you to consider this matter in theory as well as, of course, in practice."

यह चीजें साफ बतलाती हैं कि पंडित जवाहरलाल ने इस हाउस के सामने यह वायदा किया था कि वह जो बिल लायेंगे उस बिल के जरिये प्रेस के ऊपर से जो बन्धन ह, जो जंजीरें हैं उन को हटा देंगे। एक ऐसा लिबरलाइजिंग बिल (liberalising bill) लायेंगे जो उन को ज्यादा से ज्यादा आतानी देगा। ऐसा वायदा उन्होंने उस समय किया था। और इतना ही नहीं, यह भी कहा था कि इस विधान में तो संशोधन किया जा रहा है, १९ (२) में उस के मूलाधिक कोई आगे आने वाली सरकार उस का फायदा उठा कर प्रेस पर रोक लगा सकती है। इसलिए हमारी जो सरकार है वह इस का फायदा न लेगी। १९ (२) में जो संशोधन हमारी पार्लियामेंट ने विधान में अभी किया है, उस में इस का साफ वायदा किया है। इतना ही नहीं, उस के बाद उन्होंने कहा कि हम चाहेंगे कि जो कानून बनायें, उस में उन लोगों की राय ले लें जिन का कि ताल्लुक इस प्रस्ताव से है। ऐसी अवस्था में मैं समझता हूँ कि राजा जी और हाउस के दूसरे लोग भाग करेंगे जो इस बिल के बारे में दूसरी तरह से समझते हैं, अगर मैं यह कहूँ कि यदि यह बिल इसी तरह से जैसा आया

है पास हो गया, तो इस पार्लियामेंट के साथ, इस देश के साथ और खास तौर से प्रेस के साथ इस सरकार का विश्वास-घात होगा।

मुझे उस वक्त ताजुब हुआ था जब प्रधान मंत्री यह कह रहे थे कि अगले हफ्ते क्या क्या काम इस हाउस में होगा। उन से एक सदस्य ने पूछा कि प्रेस बिल का क्या होगा। उन्होंने कहा कि अभी यह तैयार नहीं है और उसी वक्त बहुत धीरे से राजाजी ने उन के कानों में कहा कि हम आज ही, अभी उसे पेश करने जा रहे हैं।

श्री कामध्वज : कानों में कहा ? आप ने कैसे सुना ?

श्री एम० पी० मिश्र : जी, कानों में कहा था, मैंने सुना था मैं आपसे कहना चाहता हूँ कि जो सरकार के प्रधान मंत्री हैं उन को मालूम नहीं है कि बिल तैयार है या नहीं और उसी वक्त होम मिनिस्टर उन से कह दें कि मैं इसी समय उसे हाउस में पेश करने जा रहा हूँ, इस के साफ माने यह है कि प्रधान मंत्री ने इस बिल को नहीं देखा। अगर कैबिनेट ने इस बिल को पास किया है तो आखिरी मूंद कर पास किया है। और यह बहुत बड़ी चीज है जिस की सफाई प्रधान मंत्री को देनी चाहिये क्योंकि यह वायदे प्रधान मंत्री के हैं और उन को कोई भी आदमी जो थोड़ी सी भी भंगेजी जानता है, आसानी से समझ सकता है। उन वायदों में वह भाषा नहीं है जिस भाषा का व्यवहार करने के योग्य राजाजी हैं। प्रधान मंत्री सीधी और सरल भाषा जानते हैं और उस के माने भी बिल्कुल सीधे और सरल लगाये जा सकते हैं। इसलिये यह चीज हाउस के सामने साफ है कि सरकार ने वायदा खिलाफी की है हाउस के साथ, प्रेस के साथ और इस देश के साथ। वह

[श्री एम्० पी० मिश्र]

इस चीज को कहना चाहते हैं कि प्रीसेन्स-शिप नहीं लगेगा, अखबार निकालने के पहले; अखबारों से जमानत नहीं मांगी जायगी। लेकिन होगा क्या? हम जो बातें कहना चाहते हैं, अगर वह सरकार को पसन्द नहीं है, तो जज के पास पहुंच कर कहा जायगा कि फलां अखबार से जमानत मांग ली घाय क्योंकि उस अखबार ने बहुत खतरनाक बात लिखी है, बहुत खतरनाक सम्पादकीय लेख लिखा है। लेकिन धारा ३ में आपत्तिजनक सामग्री की ऐसी सूची है कि हमें उस के सिवा कोई बात नहीं कह सकते, जिस बात को तमाम सरकार पसन्द करती है, सरकार को जो अच्छी लगती है, लेकिन जो न अच्छी लगेगी वही कलाज ३ में आबजेक्शन-नेबल हो जायगा। जैसे कोई अखबार किसी वर्ग के खिलाफ दूसरे वर्ग को नहीं उभार सकता। इस देश में हर कोई जानता है कि १५० वर्ष से, दो सौ वर्ष से, दो हजार वर्षों से दो तीन वर्ग हैं, गरीब हैं, अमीर हैं, जमींदार हैं, किसान हैं। मूट्ठी भर जमींदार हैं करोड़ों किसान हैं, मूट्ठी भर पूंजीपति हैं, लाखों मजदूर हैं, वे भूखे हैं, नंगे हैं, सब जानते हैं कि वह इतने गरीब हैं कि वह पीसे जा रहे हैं, वह बूसे जा रहे हैं, वह पामाल किये जा रहे हैं। और आजादी की लड़ाई में पच्चीस साल के अन्दर हम ने उन को जगा दिया है, हम ने आजादी की लड़ाई इसी आधार पर लड़ी कि हम देश की जनता की भूख मिटायेंगे, उसे कपड़ा देंगे। उस को हम ने जगा दिया है, उसे जागरूक बना दिया है। आज चार साल इस राज्य को हो गये, लेकिन जमींदारी नहीं उठी। चार साल इस आजाद हुकूमत को हो गये, पूंजीवाद पर थ्रोई बन्धन नहीं लगा। उन

का जोर ज्यों का त्यों जारी है। और लाखों किसान जमींदारों की चक्की में पीसे जा रहे हैं। क्या हम कोई खतरनाक बात कहते हैं अगर कहें कि जमींदारी नहीं उठाई गई है। जमींदारी ज्यादाती है, जमींदार किसानों को गरीब रखते हैं, उन पर जल्म करते हैं, यह बात जो आदमी बोलिगा, या अखबार में लिखेगा तो उसे राजाजी के कानून में जेल भेज दिया जायगा। मैं जानना चाहता हूँ कि क्या आजादी यही है कि इस देश में जमींदारी कायम रहे, पूंजीवादी जून कायम रहें, मजदूर परेशानी में रहें, किसान चक्कियों में पिस्टे रहें, वह कुछ न बोलें, यही आजादी के माने हैं। इसीलिये यह संविधान पास किया गया है। जिस संविधान में यह बात साफ कही गई है कि किसी एक वर्ग को दूसरे वर्ग का शोषण करने का अधिकार नहीं है। सरकार ने संविधान स्वीकार किया है, सरकार ने प्लेन (plan) बनाया है, सरकार ने यह बात बराबर कही है कि हम इस देश में एक ऐसा समाज बनाना चाहते हैं जिस में सब बराबर हों, जिस में सब को आगे बढ़ने का बराबर मौका हो, और एक मनुष्य दूसरे मनुष्य का शोषण न कर सके। अगर यही इरादा है तो यह कानून क्यों बनाते हैं। जिस सरकार का यह इरादा हो कि हम सब को बराबर करेंगे, उस को ऐसा करना चाहिये कि जो लोग बराबर का समाज पैदा करने के रास्ते में रोड़ा अटकायें उन को जेल में भेज दे। उन का यह काम ही कि जो समाज को आगे बढ़ाने की कोशिश करते हैं, जो पूंजीवाद और जमींदारी को खत्म करना चाहते हैं, उनके लिये जरूरी है कि वह किसानों

को भड़कायें। मैं साफ कहता हूँ कि इस के लिये जरूरी है कि मजदूरों को जागृत किया जाय और जो लोग उनको सतायें उन को जेल भेज दिया जाय। मगर आज सरकार के वायदे और सरकार के काम दो तरफ जाते हैं। एक तरफ यह कहना कि हम ऐसा समाज बनायेंगे जिस में सब बराबर होंगे और दूसरी तरफ बराबरी के लिये प्रयत्न करने वालों को जेल में भेजना यह बड़े आश्चर्य की चीज है।

इसके पहले जो कानून था सिक्वोरिटी मांगने के लिये, उस कानून में था कि पहला कसूर हो तो सरकार तीन सौ से तीन हजार तक जमानत ले सकती है, उस के बाद फिर कसूर करे तो सरकार एक हजार से दस हजार तक जमानत मांग सकती है। एक्जिक्यूटिव गवर्नमेन्ट के यानी सरकार के हाथों से यह चीज हटा दी गई है। यह चीज सेशन जज (Session judge) के सामने जायेगी। यह कहा जायेगा कि इस अखबार ने अश्लील चीज लिखी है, और मेरा खयाल है कि बहुत सी पुरानी किताबों को देखा जाय तो अश्लील के नाम पर वह जस्त हो जायेगी। अश्लील के नाम पर तो अगर मर्चेंट आफ वेनिस (Merchant of Venice) पर मुकदमा चले तो उसको अश्लील होने के बिना पर बन्द कर दिया जायगा। हमारी समाज संस्कृति और कला की किताबें बन्द हो जायेंगी। उस के बाद कोर्ट में एक पुलिस का दारोगा आ कर कह सकता है सेशन जज के सामने, सरकार के और लोग कह सकते हैं, कि इस अखबार ने बड़ा खराब काम किया है, धर्मिदारी के खिलाफ भड़काया है, ऐडमिनिस्ट्रेशन के खिलाफ काम किया है, शासन चलाने में बाधा दिया है, इस-

लिये इस से एक लाख की जमानत की जाय। जज को यह देखना है कि क्या उस ने कसूर किया है, जज धारा ३ को पढ़ेगा, उस के बाद उस के पास कोई चारा नहीं रहेगा इस के मानने के सिवा कि उसने कसूर किया है। उसको कानून तो मानना ही होगा। और आर्टिकल ३ तो एक बहुत उदार चीज है, जिसमें कोई भी चीज जुर्म मानी जा सकती है। सिर्फ उतनी ही चीज जुर्म नहीं होगी जो सरकार को अच्छी लगेगी। तो वह जज क्या करेगा? एक लाख की जमानत भी जज को माननी पड़ेगी, अगर वह समझेगा कि धारा ३ के मुताबिक सरकार के खिलाफ बहुत बड़ा कसूर किया गया है। खैर इस बात को छोड़ें।

इस में एक और बहुत खतरनाक धारा है। वह यह है कि कोई प्रेस पड़ा हुआ है, पता लगा कि उस ने इजाजत नहीं ली, प्रेस रजिस्ट्रेशन ऐक्ट के मातहत। पुलिस का दारोगा किसी मैजिस्ट्रेट का वारन्ट ले कर उस प्रेस के दफ्तर पर जा सकता है, उस प्रेस पर धावा बोल सकता है, उस पर ताला लगा सकता है, उस प्रेस की मशीन उठा कर ले जा सकता है, और उस को सदा के लिये बन्द कर सकता है। हम आप से पूछते हैं कि किसी प्रेस वाले से एक बाने के दारोगा का झगड़ा है। उस अखबार में ऐसी चीजें छपी हैं जो दारोगा के खिलाफ है। वह दारोगा एक एस० डी० ओ० (S.D.O.) के पास जाता है और कहता है कि यह प्रेस बिना इजाजत के चल रहा है, इस पर वह एस० डी० ओ० वारन्ट देगा और वह प्रेस बन्द हो जायेगा। उस गरीब की रोबी सदा के लिये बन्द हो जायेगी। वह मशीन जो दारोगा ले जाता है, वह सदा के लिये बन्द-

[श्री ऐम० पी० मिश्र]

हो जाती है। हो सकता है कि वह प्रेस वाला ऐस० डी० ओ० के पास जाये और उस के बाद पता लगे कि उस का कुछ कसूर नहीं हुआ। दारोगा को कहा जायेगा कि इन गुड फेथ (in good faith) किया होगा। सरकार के लोग सभी कुछ गुड फेथ में करते हैं।

Shri T. Husain: May I ask the hon. Member a question?

Shri M. P. Mishra: You will have your chance. However, you may ask.

Shri T. Husain: The hon. Member has not given his reasons why he thinks that Government will do injustice. How does he say that all these things will be done?

Shri Kamath: All Governments can do them.

Shri Rajagopalachari: I would ask the hon. Member who last spoke (Shri T. Husain) not to take it all so seriously. It is usual for people to fear Government and expect injustice. Let them have their say.

श्री ऐम० पी० मिश्र : मैं आप से कहना चाहता हूँ, जनाब सदर, और उन की बात का भी जवाब देना चाहता हूँ। सरकार जब मुसीबत में होती है, मैं नहीं कहता कि आज ही यह सरकार ऐसा काम करेगी, लेकिन कोई भी सरकार जब वह जनता की जरूरतों को पूरी नहीं कर सकेगी, जब वह जनता की भूख को दूर नहीं कर सकेगी, तो, जनता उस के खिलाफ आजाज लगायेगी। जनता में उस के खिलाफ गुस्सा होगा और उस समय सरकार यह भूल जायेगी कि हम ने आजादी का वायदा किया था, हमने जनतंत्र का वायदा किया था, हम लोक राज्य हैं, कोई भी सरकार अपने को बचाने के लिये, जब उस के हाथ में यह हथियार रहेगा, उस का इस्तेमाल करेगी जब वह मुसीबत में पड़ेगी।

एक और बात मैं आप से कहना चाहता हूँ। हमारे संविधान में कहा गया है कि इस सरकार को सारे अधिकार जनता से प्राप्त होंगे।

और यह एक लोक राज्य होगा, हम लोगों को सारी आजादी होगी। तो मैं आप से एक बात कहना चाहता हूँ और हाउस से, कि इस के पहले कि हम और आप दुनिया को यह बतायें कि इस देश में हम लोक राज्य बनाने का प्रयत्न कर रहे हैं, हम यह सोचें कि डेमोक्रेसी में जनता के क्या अधिकार होते हैं। डेमोक्रेसी में जनता को सरकार को बदलने का अधिकार है और यह अधिकार उस को दो तरह का है। एक तो वह वोट दे कर इस अधिकार का उपयोग कर सकती है और दूसरा तरीका वयलेंस (violence) का है। मैं मानता हूँ कि जब तक जनता को वैधानिक तरीके से सरकार को हटाने का अधिकार हो तब तक उसे बग़ावत के तरीके से सरकार को हटाने का प्रयत्न नहीं करना चाहिये। जब तक जनता को यह अधिकार प्राप्त है तब तक जनता को यह नहीं चाहिये कि वह सरकार को अवैधानिक तरीके से, बग़ावत के तरीके से हटाने की सोचे। मैं मानता हूँ कि यदि आप जनता को अनफ़ैटर्ड (unfettered) अधिकार दे देते हैं कि वह सरकार को वैधानिक तरीके से बदल सके तो जनता को उसे वाइलेंट तरीके से बदलने की कोशिश नहीं करनी चाहिये। लेकिन जिस वक्त आप जनता के उन अधिकारों को छीन लेते हैं जो सरकार को वैधानिक तरीके से बदलने के लिये उसे मिले हुए हैं, जब आप जनता को और देश को उन अधिकारों से वंचित कर देते हैं—और वह अधिकार क्या है, वह अधिकार है सिविल लिबर्टीज (Civil liberties) के अर्थात् बोलने की, लिखने

की और संघ बनाने की आजादी के,— तो सरकार जनता को एक नया अधिकार सौंप देती है और वह यह है कि वह सरकार को वाइलेंट तरीके से उखाड़ दे। क्योंकि जो कुछ अधिकार सरकार को मिले हैं वह उसने जनता से पाये हैं। हमारे विधान में लिखा है आल पावर इज डिराइव्ड फ्रॉम दी पीपल (All power is derived from the people)। तो यह जनता का अधिकार है कि वह किसी सरकार को रखे या न रखे। तो आपको जनता को बोलने के, लिखने के और संघ बनाने के अधिकार देने ही होंगे और अगर आप उन अधिकारों को छीनते हैं तो उस को तुरंत यह अधिकार प्राप्त हो जाता है कि वह सरकार को वाइलेंट तरीके से बदल दे। क्योंकि यह सरकार उस की ही बनाई हुई है और तमाम सत्ता उस की है। इसलिये जो सरकार जनताधिकार होने का दावा करती है और लोकराज्य होने का दम भरती है उसे यह अधिकार नहीं है कि वह जनता के लिखने-पढ़ने के अधिकार को छीन ले। और जब यह सरकार उस अधिकार को छीनने की कोशिश करती है तो वह जनता को एक दूसरा अधिकार सौंपती है कि जनता उस सरकार को दूसरे तरीके से बदल सके। अतएव जनता का यह अन्तर्सिद्ध अधिकार है कि वह जो चाहे सो बोले और मैं तो यह मानता हूँ कि एक जनराज्य में और एक लोकराज्य में एक नागरिक को सब कुछ बोलने का अधिकार है। यह डेमोक्रेसी है। इस में यह हर किसी को कहने का हक है कि वह डेमोक्रेसी नहीं चाहता, वह फ्रांसिज्म चाहता है। मैं कहता हूँ कि मैं हिन्दू महासभा के खिलाफ हूँ, मैं फ्रांसिज्म के खिलाफ हूँ, लेकिन मैं एक फ्रांसिस्ट का यह हक समझता हूँ कि वह कह

सके कि इस देश के लिये फ्रांसिज्म जरूरी है, डेमोक्रेसी जरूरी नहीं है। किसी को भी यह कहने का हक है कि इस देश में फ्रांसिज्म होना चाहिये। यह तो फ्रांसिज्म है जो कि लोगों को यह कहने पर मजबूर करता है कि फ्रांसिज्म ही होना चाहिये और कुछ नहीं होना चाहिये। अगर यह डेमोक्रेसी है तो इस में जनता को सब कुछ बोलने का अधिकार होना चाहिये। लोकराज्य में यह जरूरी है कि जो सरकार पावर में हो उस के पीछे लोकमत हो। उस ने लोकमत को अपने प्रीपेमेंटा से तैयार किया हो और जब कोई उस सरकार के खिलाफ राजनैतिक मोर्चे पर विरोध करे तो उस सरकार को उस के राजनैतिक मोर्चे पर उस विरोध का जवाब देना चाहिये। लेकिन अगर सरकार अपने को इस तरह के अधिकारों से लैस कर लेगी तो वह कह सकती है कि इस तरह की बात किसी को नहीं कहनी चाहिये और उस स्थिति में राजनैतिक मोर्चे पर विरोध करने का मौका ही नहीं आयेगा। अगर ऐसा होगा तो यह चीज सरकार के लिये भी खतरनाक होगी और कांग्रेस के लिये भी खतरनाक होगी क्योंकि आप इस तरह से विरोधियों के मुंह पर ताला लगा देंगे। ऐसी हालत में कांग्रेस वालों को न मजदूरों के पास जाने की जरूरत है, न किसानों के पास जाने की जरूरत है क्योंकि वह जानते हैं कि सरकार सब कुछ कर रही है। यह परिस्थिति उस देश के लिये बहुत खतरनाक है जो कि लोक-राज्य चलाना चाहता है। धीरे धीरे कांग्रेस-जन राजनैतिक मोर्चे को छोड़ते जा रहे हैं। हम को जानना चाहिये कि हमारे वायदे क्या हैं और हमारा फ्रॉन्ट क्या है और हम को किसानों और मजदूरों के पास जाना चाहिये और उन को बताना चाहिये कि सरकार क्या करना चाहती है। लेकिन हम

[श्री एम० पी० मिश्र]

समझते हैं कि वह काम तो सरकार स्वयं ही कर रही है। आप चाहते हैं रोक लगाना बोलने पर और लिखने पर। मैं कहता हूँ कि यह तो वही सरकार कर सकती है जो कि फ्रांसिज्म में और कम्युनिज्म में विश्वास करती है। आज कम्युनिस्ट नागरिक अधिकारों की दुहाई देते फिरते हैं। लेकिन अगर उन की सरकार आये और वह इस तरह का कानून लाये तो मुझे कोई ताज्जुब नहीं होगा। लेकिन जो सरकार कि लोकराज्य और डेमोक्रेसी में विश्वास करती है अगर वह इस तरह का कानून लाये तो मुझे ताज्जुब होता है। कम्युनिस्ट तो खुले आम कहते हैं कि वह तो वायलेंस से सरकार को उखाड़ना चाहते हैं। मैं कहता हूँ कि उन को भी ऐसा कहने का अधिकार है। मगर हम इस ट्रांजिशन पीरियड (Transition period) में हैं इस लिये हम इस की इजाजत नहीं दे सकते यह मैं मानता हूँ और हम को उन को ऐसा करने से रोकना चाहिये, लेकिन साथ ही एक कम्युनिस्ट को और एक फ्रांसिस्ट को कांस्टीट्यूशनल तरीके से सरकार को बदलने का पूरा अधिकार होना चाहिये। यह ठीक है कि यह उस तरीके में विश्वास करते हैं जो डेमोक्रेसी नहीं है। लेकिन इन को भी यह इजाजत होनी चाहिये कि वह नानवाइलेंट (non-violent) तरीके से, वैधानिक तरीके से सरकार को बदलने की कोशिश कर सके। इस लिये मैं कहना चाहता हूँ कि यह चीज देश के लिये, कांग्रेस सरकार के लिये और सब के लिये बुरी और खतरनाक है। प्रेस के लिये तो यह खतरनाक है ही। लेकिन हमारे प्रेस वाले तो बहादुर लोग हैं। उन्होंने २५ वर्ष तक खतरनाक कानूनों के खिलाफ जंग लड़ी है। वह समझते हैं कि वह बड़े मजे में दो वर्ष में इस को लड़ कर खत्म करा देंगे। आप कहते

हैं कि हम तो खराबियों को हटाने के लिये कानून लाये हैं, लेकिन प्रेस वाले कहते हैं कि आप इस को वापस ले लीजिये, यह हम को नहीं चाहिये। आप कहते हैं कि हम प्रेम की हिमायत करने के लिये यह कानून लाये हैं, पर प्रेस कहता है कि आप इस को वापस ले लीजिये। तो फिर क्या वजह है कि आप उस को वापस नहीं लेना चाहते, आप इस को वापस ले लीजिये। इस लिये मैं आप से बड़ी मिनत के साथ कहना चाहता हूँ कि आप आग के साथ न खिलवाड़ कीजिये और नागरिकों की बोलने की और लिखने की आजादी को न छीनिये। जो लोग इस आजादी को छीनने की कोशिश करेंगे वही लोग इस देश में कम्युनिज्म, फ्रांसिज्म और हिन्दू महासभा को लाने के जिम्मेदार होंगे। आप को याद होना चाहिये कि आप ने कांस्टीट्यूशन के अमेंडमेंट के वक्त प्रेस से क्या वायदा किया था। मैं चाहता हूँ कि हमारे प्राइम मिनिस्टर साहब इस वक्त यहाँ होते। मैं समझता हूँ कि हमारे राजाजी उन को जो कुछ सदन में हो रहा है वह बतलावेंगे। उन्होंने उस समय कहा था कि यह एक लिबरलाइजिंग बिल लावेंगे और अब एक ऐसा बिल ला दिया है जो कि ऐसा है जैसा कि अगर किसी आदमी के सीने पर तलवार लटकती हो तो तलवार संभूटा दी जाय पर उस की जगह पर एक ब्रेन गन रख दी जाय।

11 A. M.

मैं आप का ज्यादा समय नहीं लेना चाहता। लेकिन मैं फिर एक बार यह कहना चाहता हूँ कि मैं कांग्रेस पार्टी का सदस्य हूँ लेकिन मैं भी यह अनुभव करता हूँ कि यह चीज हमारे लिये खतरनाक है और इस से हमारे जो तमाम वायदे थे और तमाम आजादी के छिड़ोरे हैं वह खत्म हो जायेंगे। एक सरकार में जो कि डेमोक्रेसी

में विश्वास रखती है, स्पोर्ट्समैन (Sportsman) की स्परिट (Spirit) होनी चाहिये। उस में खतरा उठाने की हिम्मत होनी चाहिये। जब वह देखे कि लोग उस के खिलाफ बोल रहे हैं तो वह सुने और जो उन की शिकायतें हों उन को दूर करने की कोशिश करे और जब वह सरकार देखे कि लोग उस को नहीं चाहते हैं तो उस के लिये रास्ता साफ कर दे, जिन को कि जनता उन की जगह लाना चाहती है। हम जानते हैं कि सन् १९४५ में वह चर्चिल जिस ने अंग्रेजी राज्य को और अंग्रेजों को बचा लिया था और जिस को अंग्रेजों के बच्चे कहा करते थे कि वह हमारा चचा है, उस को उन लड़कों के बापों ने वोट दे कर हटा दिया, तो उस समय उस ने बगावत नहीं की और लेबर सरकार को आराम से आने दिया। मैं आप से कहता हूँ कि लड़ाई के जमाने में ब्रिटेन में एक औरत ने कहा था कि हिटलर की तरह ही यह सरकार काम करती है और हिटलर तो इस से अच्छा है। तो उस को होम सेक्रेटरी ने डिफेंस आफ ब्रिटिश रेलम ऐक्ट (Defence of British Realm Act) के अनुसार पांच साल की सजा दे दी। चर्चिल को जब यह बात मालूम हुई तो उस ने कहा कि डेमोक्रेसी में किसी भी नागरिक को यह कहने का अधिकार है कि वह किसी सरकार को पसन्द करता है या नहीं करता और वह औरत छोड़ दी गई। और यह लड़ाई का जमाना था। अगर पाकिस्तान की इस देश से लड़ाई हो जाय तो मैं भी इस तरह के कानून को समझ सकता हूँ। बल्कि उस समय तो मैं राजाजी से कहूंगा कि वह इस से भी दस गुना खतरनाक कानून बना दे।

क्योंकि लड़ाई खुद एक पागलपन है और उस में आजादी वगैरह की बात,

अन्दरूनी आजादी, नागरिक आजादी वगैरह की बात गलत है। उस समय लड़ाई जीतने के लिये सब आजादी को पांव के नीचे रख देना होगा और पहले लड़ाई जीतनी होगी। लेकिन जब देश में कोई ऐसी चीज नहीं है, कहीं बगावत नहीं है, कहीं भी बलवे नहीं हो रहे हैं, बड़ी शान्ति से चीजें चल रही हैं, तो बोलने पर इतनी बन्धिशें लगाना, लिखने पर इतनी बन्धिशें लगाना, यह सरकार की खबराहट की निशानी है। लोगों में इस में सरकार की ताकत कम होगी। इतलिये हम बड़े अदब के साथ, मन्त के साथ एक कांग्रेसमैन को हैसियत से कहते हैं कि इस कानून को आप वापस ले लीजिये या फिर इस को छः महीने के लिये लोगों में राय जानने के लिये भेज दीजिये।

(English translation of the above speech)

Shri M. P. Mishra (Bihar): This Bill appeared in the evening papers the day it was introduced in Parliament. We received a copy of this Bill after two days. When I read the newspapers, and saw it printed in bold headlines that security deposit and precensorship had been abolished, I thought the Bill would really be very good and would fulfil the promises made by the Prime Minister. At the same time I was surprised to see those headings as to how such a Bill could come from no less a person than Shri Rajaji. My hon. friends know that Rajaji was the Chief Minister of Madras in the year 1938 when the British were still ruling over the country. In those days when sedition was a sacred duty of every Indian, Rajaji had not hesitated to apply section 124 of the Indian Penal Code against one of the patriots. And the fact that the very same Rajaji has introduced such a Bill, such a revolutionary Bill, which removes all disabilities and restrictions from the press, accounts for my surprise that I had while reading those headlines. On the one hand there were the promises of the Prime Minister and on the other there were these headings. So when I read the Bill in the night, I was happy with myself because I did not expect that such a good Bill in regard to the press would come from a person like

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Rajaji. My hon. friend has rightly observed that what is given to the press by one hand has been taken back by the other. I would say that the hand giving a small bit of liberty has been kept in a fair limelight while the hand snatching away the freedom is behind the curtain, in the darkness, and it is there that the cleverness of Rajaji lies. Rajaji is known in the country as 'Chanakya'. If Rajaji introduces a Bill which in reality is not fraught with dangers, then in no case can it be Rajaji's Bill. Many of my friends here in Parliament say that the Bill is very good, that it abolishes precensorship and that the Executive would not demand any security from them. In brief, they welcome the Bill saying that Rajaji has carried out the promises made by the Prime Minister. But after carefully reading only one section, just one clause, which is numbered 3 in the Bill, I can only say that it would not have surprised me at all had the British Government brought such a Bill before Parliament in the month of August, 1942. This Bill does not remove any restriction from the press; the talk of doing away with these disabilities of the press is only a stunt. On the other hand, I feel that even the British Government never tried to impose so many restrictions on the press. It was only at such times when, in 1930 and 1942, there was open revolt by the Congress against the British Government, that the latter imposed restrictions on the press. Otherwise such restrictions did not exist even in 1940 when the Great War was on. Therefore I am at my wits end to understand why the Congress Government, this Congress Cabinet—I am also a member of the Congress party—has introduced in these days a Bill which curbs the freedom of the press and the freedom to write. I believe that freedom of the press is a symbol of the freedom of the country and the liberty of the people. In a country, where press is denied its freedom and where restrictions are imposed on writing and reading, neither can there be any political freedom nor the liberty of the people, not to speak of democracy.

The other day while explaining the meaning of objectionable matter, Rajaji told us that we would have to be a bit liberal in its definition. He expressed the fear that if certain restrictions were imposed in that behalf the courts might set them aside. But I can confidently say that the restrictions which are sought to be imposed are so numerous that the authorities would be within their powers to check even the slightest

criticism of the Government. No person or newspaper would be able to say or write anything which might not be palatable to the Government or the authorities, or with which they might not agree. The press would not be able to publish anything that the Government and the authorities might disapprove of. It is true that the executors of this law might allow all freedom to the press despite this Act. But the provision in the Bill viz., "interference with administration of law" is most improper. There are so many laws of the land. Suppose a District Magistrate promulgates section 144 or imposes curfew in a city where there is nothing abnormal and hence no necessity of such a step, and a newspaper criticises that action, you would call that an interference with your law.

I very well remember an argument advanced by Rajaji the other day. He said "When we have passed a Bill and enforced it, it means that it has the sanction of Parliament behind it and nobody has the right to speak against it". Well, there are many lawful things in the country and whatever happens in the States is all legal and if I am forbidden to speak against it, it would be an encroachment on my rights because those laws would not be changed till the Day of Judgment and would remain as they are. It is our birthright to speak against the laws passed by the Government. It is quite democratic to try to change the laws which are brought forward by the Government. The only difference is that once a law is enforced we cannot break it. Suppose section 144 is enforced, then it cannot be that we may try to defy that order or despite the curfew, we may wander on the roads. In a democracy, every person and every citizen has a right to say that a particular law is improper and invalid, and that the Government have acted in a high-handed manner. But if this Press Bill becomes law, this right of ours will be no more.

Before I proceed with this point I would like to submit that when this Parliament was considering the Constitution Amendment Bill, there was a great agitation in the country against this measure. The whole press with one voice and the people, the various institutions in the country and the Members of Parliament emphasized that there should not be any restrictions on the press. At that time the Prime Minister told us that while Government was amending Article 19(2), it had no intention to curb the freedom of the press. That is what the Prime Minister said in his speech. Then he said Government would soon be intro-

roducing a Bill whereby all laws which were made by the British to restrict the freedom of the press would be repealed. Therefore the Government was honour-bound to bring in such a repealing Bill by which the Government would withdraw the Press Act of 1931 and similar other measures and provisions which restricted the freedom of the press. Then there were provisions in the Indian Penal Code which restricted the freedom of the press and the liberty of the citizen to the extent that they might not create lawlessness in the country and endanger its freedom and security.

I want to submit that if the press or the newspapers are not to be given more rights than a citizen has, then they should at least be granted those rights which an ordinary citizen enjoys. Then, how far is it justified to put fetters on the press when all laws of the Indian Penal Code are also applicable to it. The Indian Penal Code contains a variety of sections—sections dealing with incitement to lawlessness and defiance of the law of the land. When you can proceed against an editor of a newspaper or its managing director or its publisher under the provisions of the Indian Penal Code, I fail to understand the necessity of bringing a separate measure for this purpose. Therefore, what should be done is to retain only such provisions as are not objectionable and then to withdraw the remaining clauses. If this is not possible, the Bill should be circulated for six months for eliciting public and press opinion.

Another drawback in the Bill is that it provides more than one punishment for the same offence. It is a common principle of law that a person should not be given more than one punishment for the same offence but the Bill seeks to provide otherwise. The publisher can be punished and then a punishment is provided for the editor also; the press can be confiscated and he can even be imprisoned. There is no such thing in the Indian Penal Code. After all what wrong has the press done that it should be fettered like this and the Government be given more weapons to destroy its freedom? And all this when we know that it is the press which is the watch-dog of the freedom of the country. In the battle for the independence of the country the press has played a leading role. It is common knowledge that the Indian press braved terrible hardships and despite all oppression and high-handedness at the hands of the British, it had a large share in the freedom struggle, so much so, that in 1942 and in 1930 all newspapers were

closed down, hundreds of presses were looted and their machines destroyed by the British. And that was a time when the big capitalists of the country were not controlling the press but on the contrary, the poor and the ordinary people were bringing out newspapers, and this was the only source of their livelihood. These were the people who, in those days, opposed the British and fought for the cause of the country. Hence it is bewildering to note that the first national Government of the country which always claims to be a democratic and republican Government and which has also adopted a Constitution based on democracy, is seeking to put such fetters as the Bill seeks to do on these very people. It is really a matter of shame. A newspaperman friend of mine told me yesterday that if the Bill was passed, the press would think that it had freedom only for four years and that after that period it has gone back under the British rule and I feel there is enough truth in this observation. If this Bill is passed in the form in which it has been introduced and if it is not withdrawn despite all-round opposition, then I am forced to say there would not be anything like the freedom of the press in the country and the promises made by the Government both inside and outside the House will be rendered useless. What was the word given by the Government in this House? I want to tell you that Pandit Jawaharlal Nehru himself said in this House that the Government had no intention to impose restrictions on the press. He further said that the Government would bring a measure whereby all these restrictions would be removed. I would like to read out a few lines from what he had said:

"Now as I stated previously, when we brought forward these amendments, any desire to curb or restrain the freedom of the press, generally speaking, was exceedingly far from our minds. That, of course, is no excuse or no reason, if in effect the words do that—I realise that—and it is folly for any Government to say, 'we did not think of this', when a certain consequence inevitably flowed from that action. That is perfectly true. Nevertheless, there is something in it when I repeat that any desire to curb the freedom of the press was not before us. We are dealing with a particular situation. I think a difficult situation, a situation which grows more difficult, for a variety of reasons, national and international. And it was not in terms of curbing the press, but it was rather in wider terms that we thought of this problem. Because

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we were all the time considering the question of the press rather independently, we wanted to deal with it independently, to put an end to some old laws and bring something more in conformity with modern practice, in consultation with those people who are concerned with this matter. However, it is perfectly true that whether we thought of it or not, this affects the situation to some extent. It affects it in two ways: one, directly, that is to say, a certain thing has been done which may put an obstruction in the way of the press in theory, and, secondly, it may give a chance to a Government to impose some disabilities, that is the Government may have the legal power to impose some disabilities unless some change is made. Both are possibilities, I recognise that. So far as we are concerned, we do not wish, and we do not wish any State Government, to take unfair advantage or any advantage of this change to curb the freedom of the press: generally speaking, and we wish to review the whole scheme as soon as possible. But I would beg of you to consider this matter in theory as well as, of course, in practice."

These things clearly show that Pandit Jawaharlalji had given an assurance to this House that the Bill which he would introduce would remove all restrictions and fetters from the press. He assured us he would bring such a liberalizing Bill which would afford maximum facilities to the press. He further stated that the amendment being made to Article 19(2) of the Constitution might be taken advantage of by any future Government of the country in imposing restrictions on the press and hence our Government would not take any advantage of that provision. This assurance has been given to us in the amendment to Article 19(2) of the Constitution recently accepted by Parliament. Not only that, he went on to say that the Government wished to consult all people who were concerned with the measure before it became a law. Under the circumstances, I hope Rajaji and other hon. Members of the House who are thinking in a different manner about this Bill would forgive me when I say that if the Bill is passed in the form in which it has been introduced, it would amount to a breach of faith on the part of the Government with the country as well as the press. I was surprised when the Prime Minister

was announcing the legislative programme of the last week and an hon. Member asked him whether the press Bill would be taken up. The Prime Minister replied that the Bill was not ready. Rajaji then whispered in his ears that he was moving the Bill that very day.

Shri Kamath: Did he whisper in his ears? How could you hear it then?

Shri M. P. Mishra: Yes, he whispered and I heard it. I want to tell you that it is really bad that the Prime Minister of the Government does not know whether the Bill is ready or not and the Minister of Home Affairs informs him then and there that he is moving it that very day. It is clear, therefore, that the Prime Minister has not seen this Bill. If the Cabinet has passed it, it has done it blindly. It is an important measure and the Prime Minister must clarify the position because these assurances were given by him and anybody who has the least knowledge of English language can understand them easily. These assurances are not wrapped up in a language which only a person of Rajaji's ability can use. The Prime Minister speaks simple and clear language and it can be interpreted in a simple and easy way. Hence it is a clear case of breach of faith on the part of the Government with the House and the press and the country at large.

They want to emphasize that they have brought a Bill which would abolish censorship and security deposit. But what would really happen? If we want to say something which is not palatable to the Government, then the court would be approached and asked to demand security from a certain newspaper on the plea that it has published a dangerous matter or a dangerous editorial. Clause 3 of the Bill defines 'objectionable matter' in such a sweeping fashion that we would not be able to utter a word other than that which is liked by the Government and is agreeable to them. But anything that is not liked by them would become objectionable under clause 3. For example, it provides that no newspaper can incite one class against another.

Everybody in the country knows that there have been two or three classes in society for hundreds, may thousands, of years. On one side there are the poor, on the other, there are the rich. There are crores of peasants but just a handful of zamindars, lakhs of hungry and unclad labourers but just a few capitalists. The poorer group is extremely poor and is being exploited and oppressed and trampled under

foot. During our struggle for freedom we made them alluring promises for providing them food and cloth and on that basis we fought the battle for 25 years. All that has awakened them and filled them with a consciousness of their rights. Four years have passed since independence but the zamindari has not yet been abolished, nor has there been put any check upon the exploitation by the capitalists. They are as strong as ever. And lakhs of cultivators are becoming prey to the brutality of the zamindars. Do we then, say anything dangerous if we complain against the persistence of the system of zamindari? If anybody says or writes that zamindari is an oppressive system, that the zamindars oppress the ryot and keep them poor, he would be sent to prison under Rajaji's law. Is this the meaning of freedom that the zamindari and capitalism may flourish and the peasants and labourers may groan under their oppression and the Government keep quiet? Our Constitution outright disallows the exploitation of one class by another. The Government have accepted this principle as the basis of their plans and have repeatedly reiterated that they want to constitute a social structure where all are equal and all have equal opportunities for progress and where there is no place for exploitation of one person by another. If that is their intention why has this Bill been framed? A Government that intends to treat everybody on equal level should send behind bars those persons who try to create impediments in the process of formation of such a society. If they really want society to make progress, it is imperative for them to create an awakening among the peasants and labourers and abolish capitalism and zamindari and send to jail those who oppress them. But the position today is that the professions and practice of the Government drift in opposite directions. Talking loudly about creating an ideal society, but at the same time sending those to prison who make efforts to that end is really a very strange thing.

Now, formerly the Government could demand a security from Rs. 300 to Rs. 3,000 if the law were infringed for the first time. If the offence was committed again a security ranging between Rs. 1,000 and Rs. 10,000 could be demanded. This discretion has now been passed on from the Executive Government to the Sessions Judge. A newspaper might be charged with publishing obscene matter and declared forfeited. So far as this aspect is concerned, I think, if they just look into the old books, a number of them would be found to contain objectionable

things and would be proscribed. Thus if a case comes up in regard to the Merchant of Venice, it would be proscribed on that ground. So would most of our cultural and art works. Then, a police officer may declare in the Sessions Court before the Judge that such and such paper has committed a serious crime, that it has incited the people against zamindari and has indulged in subversive activities against the Government, thereby hampering the working of the Government and so it should be required to deposit a security of a lakh of rupees. The judge has to see whether he has really committed an offence; and when he will go through clause 3 he would have no alternative but to concede that he has committed an offence for after all he has to honour the law. And clause 3 has a very wide application; according to it anything can be interpreted as amounting to an offence and not merely that which the Government may consider as such. What else can the Judge do then, but decide in favour of the demand for the depositing of the security of rupees one lakh, if he considers that a grave offence has been committed against the Government. However, we may leave that matter here.

The Bill contains another dangerous provision. If it is found that a press has not obtained permission under the Press Registration Act, any police officer may raid it with a warrant from a Magistrate and seal it. He may even take away the machines and close it for ever. Now if a Police Officer is not on good terms with some press, whose newspaper has published things that go against him, he may go to the S.D.O. and tell him that the press is being run without permission and obtain a warrant from him and close the press. The source of its livelihood would thus be sealed for ever if the machines are taken away. And the owner of the press may go to the S.D.O. who may declare ultimately that he was not guilty. But the action of the police official will be defended on the plea of its having been done in good faith. All officers of Government do everything in good faith.

Shri T. Husain (Bihar): May I ask the hon. Member a question?

Shri M. P. Mishra: You will have your chance. However, you may ask.

Shri T. Husain: The hon. Member has not given his reasons why he thinks that Government will do injustice. How does he say that all these things will be done?

Shri Kamath: All Governments can do them.

Shri Rajagopalachari: I would ask the hon. Member who last spoke (Shri T. Husain) not to take it all so seriously. It is usual for people to fear Government and expect injustice. Let them have their say.

Shri M. P. Mishra: I may tell you and the hon. Minister that I do not mean to suggest that the Government will begin doing it straightaway. But they would do it when they find themselves in hot waters. The thing is that when a Government is unable to provide the people with the essential necessities of life, when it cannot eliminate their hunger, the people would raise a cry against them. A feeling of indignation would be aroused in the public mind and the Government would be prone, on such occasions to forget their promises of freedom and democracy; and in order to save themselves they are likely to use this weapon when they are armed with it.

May I also make a reference to the Constitution which specifically lays down that the Government will derive all power from the people and that it would be a democratic republic in which people would have all opportunities? I, therefore, want to impress upon the House that we must have a fuller comprehension of the people's rights in a democracy before we try to show to the world that we are establishing a democratic administration in our country. In democracy, the people have a right to change the Government. This right may be asserted by them in two ways. One is to change the Government by expressing their opinion through voting; the other is the way of violence. I quite concede that so long as the people have the right to change the Government by constitutional means they should not assume the rebellious role and use unconstitutional methods. So long as they have the unfettered right to change the Government by constitutional means they must not take to the violent way. But when you deprive the people of their essential rights that they possess to change the Government through constitutional means—and these rights are their civil liberties i.e. the freedom of speech and expression and association—then, by virtue of such action, you give them a new right to throw away the Government by violent means; for whatever power the Government enjoys, it derives that power from the people themselves which fact has been accepted by us in our Constitution. You would, therefore, have to concede to them the rights of expression, speech and association and if

you deny them these rights they automatically acquire the right to dislodge the Government by violence for after all the Government is of their own making and they are the ultimate source of power. So a Government that proclaims itself to be a democratic republic has no power to keep back from the people their essential rights of speech and expression. A Government that disinherits the people of their right gives them another right to change the Government by other than constitutional means. It is their birth-right to express their views and I hold that in a people's Government every citizen has the right to say anything he likes. That is democracy. In democracy everybody is entitled even to say that he wants Fascism and not democracy. I myself am against Hindu Mahasabha and Fascism but I consider it a right of a person in democracy to say that in his opinion it is Fascism and not Democracy that can do good to the country. It is Fascism that compels people to praise its principles even though they may not like them. If it is a democracy, people should have the right to say anything. A people's Government must necessarily have public support at its back. It should have prepared the public opinion by propaganda. And when some political party opposes the Government on the political front, the Government must meet them on the same front. But if the Government were to arm themselves with these powers, they would not allow the other party to speak against them and so there would be no question at all of meeting the opposition of that party on a political level. But sealing the mouths of the opponents would become dangerous for the Government as well as for the Congress. If that situation arises the Congressmen would stop contacting the peasants and labourers for they would be comfortable in the thought that the Government would do everything. Such a situation is very dangerous for a country that wants to run a people's Government. The Congressmen are already gradually leaving the political front. We must be sure of our promises and of our duty and we must maintain contact with the peasants and labourers telling them what the Government propose to do for them. But the Government seems to be doing that work for themselves. They want to impose restrictions on speeches and writings. In fact, such measures are resorted to by a Government that believes in Fascism and Communism. Today the Communists swear by the rights of the citizens, but I would not be surprised if they bring in such a law if they come to power. But I am surprised

when I find that a Government believing in democracy brings forth such a measure. The Communists openly declare that their policy is to overthrow the Government by violence. Well, I hold that they have a right to say so; but since we are in a transition period I think we cannot allow this kind of thing to go on and we must stop them. However, the Communists or the Fascists must have full right to change the Government by constitutional methods even though it is true that they believe in a system which is not democracy. Therefore, I say that this type of Bill is unfair and dangerous for the country and the Congress besides being so far the press also. But our press people are brave men. For 25 years they have fought against dangerous laws. They think they can fight this law out within two years. The Government declare they have brought this Bill to eradicate some evils and that it would be in the interest of the press itself; but the press people ask them to withdraw it. What is the reason then that the Government do not take it back? I beg of them, therefore, not to play with fire and not to tamper with the citizen's freedom of speech and writing. Those very persons who would attempt to deprive the people of their civil liberties will be responsible for encouraging in the country the ideologies of Communism, Fascism and the Hindu Mahasabha. The Government must remember the promise they made to the press at the time of amending the Constitution. I wish our Prime Minister were here at this moment. I hope Rajaji will acquaint him with the feelings of the House. He had promised at that time to bring a liberalizing Bill and a Bill has now come in a form in which a sword pointed against the breast of somebody is replaced by a Bren gun.

I do not want to take more of your time; but I want to reiterate that in spite of my being a member of the Congress party I feel that this Bill is a dangerous one for us and it will undo the high sounding promises that were made with regard to the civil liberties of the people. A Government believing in democracy must possess a sportsman's spirit and enough courage to face dangers. When it finds people voicing criticism, it must hear them and try to remove their grievances and when it finds that the people no more want it, it must go and make way for those whom the people want to instal in their place. We all know that Mr. Churchill who saved the British Empire and the Britons and whom the English children called 'uncle', was removed from the office by the fathers

of those very children by the constitutional method of vote. At that moment he did not revolt but quietly made way for the Labour Government. During wartime an English woman said that the Government in Great Britain worked like that of Hitler and that in fact the latter was better. At this, the Home Secretary sentenced her to five years' imprisonment under the Defence of the British Realm Act. When Mr. Churchill came to know of it he said that in democracy every citizen had the right to say what kind of Government he or she liked and that woman was released. And this happened in the war days. However, I can understand such a law if, say, war breaks out with Pakistan. I would then even go to the extent of asking Rajaji to bring in a ten times more drastic law because war is a madness in which the talk of civil liberties has little meaning. At such a time every kind of liberty would have to be kept under check in order to win the war. But when there is no such thing, when there is no inflammable situation there is no revolt nor riots and things are going on peacefully, the imposition of such restrictions on speech and writing is an indication of the Government's fear. This would lead the people to lose confidence in the Government's competency. Therefore, in the capacity of a Congressman I would humbly request the Government either to withdraw it or else circulate it for six months for eliciting public opinion.

Shri Rathnaswamy (Madras): It is hardly necessary for me to emphasise the fact of the importance and the prominent place the press should occupy in democracy. At a time when the forces of authoritarianism and totalitarianism are raising their heads in this country, it is incumbent on us to see that the press is given absolute liberty and freedom, of course subject to certain healthy restrictions, to play a vital part in the building up of democracy. I am afraid the hon. Home Minister is labouring under a delusion that this Bill, if passed into law, would give a charter of freedom to the press. But let me tell the hon. Home Minister that there is absolutely no hurry to bring this Bill forward; I cannot understand why there should be such a mortal hurry on the part of the Government in bringing this Bill before the House. I say so in view of the fact that the amendment to Article 19 of the Constitution which we undertook during the last session of Parliament is in the Supreme Court; it is pending before the Supreme Court and no decision has been arrived at as regards that amendment of the Constitution. I therefore suggest to the Government

[Shri Rathnaswamy]

that it would be better and wiser to await the decision of the Supreme Court.

Secondly, the hon. Home Minister said that this is a repeal of the Press Act of 1931. I am, however, afraid that the Bill carries certain obnoxious features of the Act of 1931. The Home Minister affirmed that this Bill is going to be a consolidation of the various Acts that are in existence, but I am afraid it is not so. When there are so many Acts in existence today under which any offence on the part of the press can be dealt with, I do not understand the need for Government to come forward with a Bill of this kind in such a hurry. I am not so much concerned about the press barons of this country. I am very much concerned about the class of journalists who are mostly drawn from the middle classes. It is a well known fact that the taxation measures and the policy that we have been following all these years since we came into office in respect of food, clothing and other essentials of life have proved extremely detrimental to the middle classes. They have even gone to the extent of completely exterminating the middle classes in this country. There are many things on which I should like to touch on this occasion, but suffice it to say that in so far as some of the provisions of this Bill are concerned, I am afraid that it would hit hard the poor journalists and such of those who own small presses of their own. What happens to a journalist in case the Managing Editor of a press or the owner of a press finds that such of that news which are given by the journalist would hamper or harm the keeper of the press or the editor of the press—or it may even lead to forfeiture of his press? In such cases it is quite likely that the journalists would not be employed by the press-owners or the editors because they would naturally be afraid that such journalists would be injurious to the running of the newspaper. This is a handicap under which the journalists shall have to suffer.

Clause 3 catalogues an extensive list of offences. There are hundreds of small newspapers which cater to the needs of millions of readers. If this Bill becomes an Act, I am afraid certain materials which can be otherwise given to the readers of this country would be suppressed, because the editors or the printers would not be in a position to divulge the actual news to the readers, so that the readers could form their own opinion, under the Press Act of 1931 the Britishers

never used to tolerate any speeches against or criticism of *zamindars* or the capitalists. The same obnoxious features find a place in this Bill. Many things are going on in this country—for instance the atrocious behaviour of the procurement officials particularly in Madras State. Even the poor classes who grow a meagre quantity of rice or other foodgrains for their upkeep are denied that by the procurement officials. If such cases are brought to the notice of the journalists and if these come in the newspapers, such papers would be taken to task. According to the provisions of this Bill it would not be possible for the journalists or the newspaper editors to give prominence to such news. Therefore the public would be at a loss to know what going on in the administration of the country.

There is another danger to which I should like to refer on this occasion. Smaller officers like the sub-inspectors are authorised to enter a press. For example the small officers of the police like the sub-inspectors may have some jealousy or ill-feeling against the small presses. They would utilise this provision to spite them. I am, therefore, afraid that this would usher in a sort of police *raj*. I need not dilate upon the point as to what amount of damage there would be to the self-respect and honour of hundreds and thousands of people in the village by the excesses of the police. This Bill will give a *tempo* to such excesses of the small police officials and lead to the harassment of the small newspapers.

It so happens that most of the smaller papers in our country do not have either the capital or printing presses of their own. The majority of these journalists and editors have to resort to borrowing from the money-lenders and others who may give the money on a loan basis. If such people find that the money they have invested for these presses are always in danger of forfeiture, I am afraid capital would not be forthcoming and the editors and printers of the small papers would not be in a position to get any financial assistance. Ultimately these small presses would have to close down. There is already a trend in this country of big newspapers being bought by big magnates or press barons. If purchase of these printing presses by the vested interests goes on, it would not be possible for the people to get correct and authentic news from the newspapers. It is only the small newspapers that have been in a position to disseminate correct and authentic information to millions of people in this country. Therefore it would only

tend to create a small ring of press magnates in this country which will ultimately lead to the complete stifling and stultification of the dissemination of correct and authentic news, which alone would be helpful for the building up of democracy and which alone would be in a position to build up public opinion in this country that is so badly wanting at the present day. It is true that some of the newspapers contain scurrilous writings and they descend so low as even to lower the prestige of the press in this country. But I would only ask you to leave such cases to the people at large, because the people will choose only such papers which will give them authentic, correct and good information and not such of those papers which do not give correct information. You must leave it to the taste and the decision of the people. It is only in that way—though in a slow process—that the people should decide and cultivate the habit of reading only such of those papers which will cater to their real needs, that the Government will be in a position to help the people to build up a democracy in this country.

There is also another danger to which I should like to refer on this occasion. The managing editors of newspapers will not entertain such of those journalists who will be in a position to give correct and authentic information to the press and who will not in any way be daunted by giving such news. By this Bill there is also the danger that the small journalists who do not find scope for employment in the various presses in this country will find absolutely no scope for employment. Already the unemployment problem in our country is assuming very serious proportions and I am afraid that some of the provisions of this Bill will only aggravate the seriousness of the problem.

I do not want to say anything more, but let me conclude by saying that our Government need not in any way feel panicky but let the Government give free scope to the press so that it will in course of time adjust itself to the new conditions and circumstances that have come into being in this country. Even in regard to this security I may tell you that this is found nowhere in any part of the world, excepting probably in a country like Egypt. This is quite an obnoxious feature of this Bill because so many small papers are not in a position to make a deposit when they are asked to make one, and when it is forfeited or when a little more deposit is demanded from them, well, it will only add difficulties to their own existence and subsequently those newspapers will have to close down. These

possibilities are there. Therefore I would suggest that the Government should remove certain obnoxious features of this Bill. That is all that I wanted to say.

Prof. S. L. Saksena (Uttar Pradesh): This Bill has come to me as a shock. Only the other day when this House discussed the Constitution (First Amendment) Bill we were promised by no less a person than the Prime Minister himself that Government was not going to use that amendment for fettering the freedom of the press. It was a solemn promise and in view of the vehemance with which he spoke on that occasion it has surprised me that not a month has passed when this Bill has been brought which is an utter negation of all that was promised on that occasion. I never imagined that in free India the press would be the first casualty. In fact, when the Constitution was being framed we had intended that the freedom of the press should be mentioned in the clauses among the fundamental rights, but we were assured that freedom of expression was wide enough to cover that. Well, later on came the Constitution (First Amendment) Bill which was objected to by the press all over the country with one voice. If I were to read out the comments of the Indian press against amendment of article 19 of the Constitution, I would take a long time of the House. But that shows that the whole press was apprehensive of what has come today and the solemn promise which was made on high authority that day has been thrown to the winds now. My friends of the Congress Party are no less vehement in the denunciation of this Bill. In fact, some of them have gone to the extent of attacking the very author of this Bill merely because this Bill is so obnoxious, and the fact that it should come just on the eve of the elections shows that this seems to be the parting gift that this Government wants to give to this country.

An Hon. Member: Parting kick!

Prof. S. L. Saksena: Their gift is only a kick. I was wondering whether our Government has not gone mad. They seem to think that they can do whatever they like and this country will accept them.

The House today is thinner than usual; otherwise the opposition to this Bill is likely to be much more vehement and vigorous and I hope Government will not proceed with this Bill in view of the strong opposition to it. (*An Hon. Member:* Remove this Government). (*Another Hon. Member:* The elections are coming). The people

[Prof. S. L. Saksena]

will do that when they know that the Government is only intended to perpetuate almost the self-same conditions under which the Government laboured for two centuries under the British. I wonder what is the change that is going to come after this Bill is passed. My hon. friend said that some journalists said that for four years they had enjoyed freedom and now they are enjoying slavery. I think that is perfectly correct. Was it for bringing forward this Bill that amendments were made in the Constitution and they were smuggled into the clauses? At that time it was said that these clauses have been inserted as a bargain with the Prime Minister and that they should be passed as a portion of the Bill. I am really astounded that Government should have brought in these 8 sub-clauses to clause 3.

In fact I would quote some portions of the editorial of the *National Herald* which is the paper of the Prime Minister and which is also an organ of the Congress. What does it say about this Bill?

"There is a strong case for the Government being content with a repealing bill, for not proceeding with the present bill, or for preparing a bill after a thorough inquiry by a press commission. A press commission will be useful not only for a comprehensive survey of the press, including the growth of monopolies, working conditions and processes of self-correction, but for studying the climate in which the press exists and making up to date the recommendations of the Press Laws Inquiry Committee."

This is the recommendation of the editor of the *National Herald*, the President of the Working Journalists' Association as well as the editor of the paper of our Prime Minister himself. He says that this Bill must not be touched with even a pair of tongs, that it must be simply dropped and that the Press Commission should be appointed and that Government should deal with the press as a whole, that it should not be taken up piece-meal. The whole article is very illuminating and I do not want to read the whole of it. All I wish to say is that this is the opinion of the most responsible journalists in our country. The editorial says that this Bill should not be proceeded with further, that it should be dropped and the Press Commission should be appointed which should make a comprehensive survey of all conditions. In fact I searched in vain in this Bill

to see whether there was anything about measures to stop monopolistic control of the press. Today the whole press is controlled by a few capitalists and they seem to call the tune of the whole country. There is no provision also for improving the condition of journalists and other amenities which may make the press in this country into something about which India may be proud. It only wants to put the halters on their necks; it says: If you say anything you shall be punished.

I will say something about the sub-clauses in clause 3.

The first sub-clause reads: "incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area".

This is what the *National Herald* says:

"To incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order or with the administration of laws regulating the supply and distribution of food or other essential commodities or services' is a fair example of the scope of the provisions and it seems strange when the Press Laws Inquiry Committee recommended that section 144 of the Criminal Procedure Code should not be applied to the press and a separate provision should, if necessary, be made by law for dealing with the press in urgent cases of apprehended danger."

The editorial of the *National Herald* says that this will be such a wide thing that anybody can be hauled up. I think that the press in this country should be trusted. It is not by putting such halters that you can trust it. How can you expect them to respond today? You cannot say that it will not be used. It has been said that it will not be used. I do not agree with that. That was said by the Home Minister himself when this amendment to the Constitution was passed. Similarly with the sub-clause which reads:

"incite or encourage or tend to incite or encourage any person to commit murder, sabotage or any offence involving violence".

I consider the expression is very wide and what will be the interpretation of the courts, nobody can say. I can understand that nobody should

preach murder but anything can be construed as inciting to some crime and I therefore consider that such wide terms should never be allowed to find a place in this Bill. The next sub-clause reads:

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

Under this sub-clause if any person wants to improve the food position, Government will not listen and if any person does *satyagraha* he will be taken as interfering with the administration. This is something strange. Under clause 3 you have even forbidden that anybody should protest against the law of the country by performing *satyagraha* because that will be a sort of protest against the methods obtained in this country and no press can publish them.

Then there is a sub-clause which reads:

"tend to promote feelings of enmity or hatred between different classes of persons in India".

I am really surprised that the Home Minister should think that nobody should preach or tell facts about this country. You know that in this country the main complaint is that it is a capitalist ridden Government. We have found that in so many labour disputes the profits of the industry go mainly to the capitalists and not to labour. There can be strikes and *satyagrahas* on account of these. If an editor supports a strike or writes a leading article, he will be punished because Government will say he is inciting class hatred between the capitalists and labour, between *zamindars* and *kisans*. Who does not know the atrocities that have been committed on the tenants in this country? A really living press must consider it its duty to see that these things are removed. According to this Bill, any editor may be prosecuted under this clause.

Then, the sub-clause is "grossly indecent or are scurrilous or obscene". It has been found that any writing can be brought under this description. In fact, some of the masterpieces of literature can be brought under this category. The sections are so wide and no limitation is set. This Bill is something which the press will never accept, which the country will never accept and this House should not accept.

Apart from this, it has been said that we are taking away the powers of demanding security and also precensorship. They are not concessions. The Constitution gives these things. You cannot impose precensorship; you cannot demand security. If you do that, it will only be in contravention of the Constitution itself. The Constitution only says that reasonable restrictions can be imposed. What you have given as a concession is not a concession; it has already been given by the Constitution. You are only giving something which you are compelled to give. The only thing is the word 'reasonable' is not there; that is the only thing that we have put in this clause.

The powers given to the executive under this Bill are not, as has been said, very small. After all, we know the sessions judges. They have been given the power. From my experience of sessions judges, I know that no sessions judge can afford to be indifferent to the executive. I know the way in which they function. I know many sessions judges cannot do anything except what the executive wants....

Shri Kamath: No sessions judge?

Prof. S. L. Saksena: I do not say no; I say most sessions judges will not dare to do something which the executive does not want. I have found sessions judges consulting the executive before....

Shri Kamath: That is not fair.

Shri Rajagopalachari: I would advise the hon. Member not to make an unnecessary point in that way. It is really not proper. It is totally unnecessary. There are other arguments, which can be pressed instead of attributing weakness and a desire to do injustice to courts.

Prof. S. L. Saksena: I have no intention whatsoever to bring a charge which is not true. But, unfortunately, my experience is.....

Shri Rajagopalachari: That makes it worse, I may remind the hon. Member.

Prof. S. L. Saksena: What I say is, my experience is that today as things function, they are not above suspicion. Therefore to say that merely because.....

Shri Rajagopalachari: May I remind the hon. Member, I am not wishing to interrupt; I did not feel inclined to interrupt even when personal references were about me. My point is, let us not make the Government and democracy a mockery. Could we get on without trusting the courts which we have established? Who is it that

[Shri Rajagopalachari] will decide things? Are we to come with every case to Parliament? Is Parliament free from the blemishes which you are attributing to the courts? What is the use of undermining the whole of our structure? Let us proceed in a practical way. You can ask me to see whether I can modify the Bill; I may even drop the Bill and leave the law as it stands. But what is the use of saying that we cannot have trust in the courts?

Prof. S. L. Saksena: I have not said that I do not trust our courts. I have been only trying to.....

Mr. Chairman: The hon. Member can go on to other points also. After all, if the very foundations of justice are attacked, where will we stand?

Shri Rajagopalachari: The courts to which we are referring are the sessions courts to which we have entrusted the life of every man who is charged with any offence amounting to a capital offence. We have tolerated these courts all these years. Are we to distrust the courts for the sake of this Bill?

Prof. S. L. Saksena: I have said that, on political grounds, I have known the courts to be influenced by the executive. It may not be agreed; but it is an unfortunate fact.

Shri T. Husain: Those days have gone.

Prof. S. L. Saksena: They have not gone.

Shri Rajagopalachari: I withdraw my attempts to interrupt because things get worse and worse.

Prof. S. L. Saksena: I am very sorry that unvarnished facts are not pleasant to our administrators. The facts that we tell them are supposed to be something which is not correct. Anyway, I will go to other points.

I submit that this Bill if it is passed by this House will perpetuate something of which neither the House nor the party in power can be proud. It will be a perpetuation of our slavery from which we have just emerged. It will be a sort of a halter round the neck of every editor. He cannot dispassionately and boldly criticise the events. I think that now that the new Parliament is coming very soon, to fetter the press in this manner is most unfair. If the new Parliament wants to fetter the press in this manner, you can say that it is their verdict. This Parliament should not be in a hurry to pass this Bill which will destroy not only the freedom of the press but also

the freedom of the individual. I only wish that some more Acts were repealed. The Official Secrets Act and the Contempt of Courts Act are also such which make the functioning of the press difficult. Of course, you have repealed the Foreign Relations Act. The two Acts to which I have referred have been very much resented by the press and a very strong movement has been there to get them repealed. In this Bill, they are not included. I wish the Home Minister should withdraw this Bill and bring forward a Bill after the Press Commission has reported upon the condition of the press, a Bill which will be comprehensive of all aspects of press. I wish that the repealing section should be so amended so that the two Acts that I referred to may also be added to the list, so that some of the obnoxious laws which have become *ultra vires* of the Constitution should no longer be there. Of course, we can go to the Supreme Court and get them invalidated. Instead of going there, I say this Bill could do that. I submit this Bill should be a repealing Bill and not an enacting Bill and that Bill should come after an enquiry has been made.

Dr. Ram Subhag Singh (Bihar): I am at one with the hon. Home Minister that some fundamental changes are proposed to be made in the press laws of this land through the Bill under discussion. But, keeping in view the vast amount of illiteracy prevailing in this country, I fail to agree with his assertion that the number of newspapers and periodicals in this country has become astronomical. Rather, it is a strange remark. There are no two opinions amongst the educationists of this country that more and more newspapers and periodicals should be founded in this country. But, it is quite clear from this Bill that it is not going to be helpful in this regard. During the last session of Parliament we discussed and passed an amendment to article 19(2) of the Constitution which was aimed at giving the Parliament power to impose reasonable restrictions on the freedom of speech and expression. It is hardly four months since then that we are again faced with another press legislation which the Government, no doubt, promised last session to bring in a legislation.

However, I feel that this is also a hasty and premature piece of legislation, especially when the validity of the Constitution (Amendment) Act is about to be challenged in the Court. I think the Government would have been well-advised to await the verdict of the Court before bringing this controversial Bill to the House.

I say "controversial" because most of the features of this Bill are based on the Press Act of 1931 which was so characteristic a feature of the British rule over this country. In my opinion, that Press Act should not be the basis of a free India's press legislation wherein it is justly mentioned that no pre-censorship shall be imposed and no punitive action shall be taken except after a proved abuse of the freedom of the press.

But what is the freedom of the press? Has it ever been in existence in this country? In all humility may I ask the hon. the Home Minister, whether this freedom of the press was allowed even after the country became independent? I think it should be the duty of the Government to allow for once at least the taste of real freedom to the press. If that is done, I am sure the press will react very favourably. The tone and temper of the press will improve and their general level will also rise; and so will soar very high the moral and political stature of the whole nation which is so swiftly deteriorating. I do not, however, think that the Government is going to do that in the near future, though it is within her reach.

Besides that, too much emphasis has been placed in the Bill on certain catch phrases like "objectionable matter" and "reasonable restrictions". Not merely the incitement or encouragement of violence or sabotage for subverting the Government, but incitement or encouragement to any offence involving violence is also included in this Bill as objectionable. Also, if anyone or anybody connected with a press writes any article, editorial or news item which amounts to interference with the administration of law and order or with the administration of the numerous laws which are now in force in connection with the controls in the country, that also will be regarded as objectionable matter.

Keeping all these things in view, as also the corruption and bribery that are prevalent among the administrations of law and order and controls. I do not think that such a wide definition as has been given in this Bill of "objectionable matter" should be given. In the interest of the freedom of the press, this definition should be considerably narrowed down.

Similarly the phrase "reasonable restrictions" requires change. As it is, it is too vague and it is going to do more harm than good to the press. Only the other day the hon. the Home Minister disclosed in this House that securities had been demanded from

as many as 44 presses—and that figure relates only to the Centrally Administered Areas. If we were to calculate on this basis the number for the whole country would be somewhere about 200 or so.

Shri Rajagopalachari: All that will be returned as soon as this Bill is passed.

Dr. Ram Subhag Singh: But the hon. Minister had on that occasion admitted that some of these securities have been forfeited. Keeping this also in mind, I do not think that the Government or Parliament should do anything in indecent hurry. Therefore, I think this Bill should be circulated for a period of twenty days and then it may return to this House for being considered.

Prof. K. K. Bhattacharya (Uttar Pradesh): I welcome this opportunity to say a few words to show what I feel about this Bill.

Shri Sondhi (Punjab): Why only a few words?

Prof. K. K. Bhattacharya: My first statement will be this. The amendment to our Constitution was passed only in last June and at that time I put my foot down upon it.

An Hon. Member: You supported it?

Prof. K. K. Bhattacharya: No, I did not support it. I opposed it and I had to resign my membership of the Congress Party as a protest against it.

Shri Rajagopalachari: Did the hon. Member say "had to resign" or only "resigned"? It would be wrong to say he had to resign.

Prof. K. K. Bhattacharya: It was voluntary. I resigned as a protest against that measure. And I do not know why within a few months of that this Bill—The Press (Incitement to Crime) Bill—should have been brought in.

First of all I do not understand the very title of this Bill. It is called The Press (Incitement to Crime) Bill. If it had been called The Press Bill of 1951, I could have understood. But I do not know what the meaning of the present title is.

I feel for one that when we are just about to face the elections within, four months, if this Bill is passed in toto as it is, it will be a sort of sword of Damocles hanging on the whole press and nobody can say a word against the administration, against the Government, against the ration authorities or the food authorities. Everything

[Prof. K. K. Bhattacharya]

will be muffled up in silence—the eternal silence of the grave. And that is the purpose of democracy. If democracy is to function properly everyone should have the right, especially at the time of the elections, to express his opinion on every measure, upon every act of the Government and on the methods of the administration. Otherwise democracy cannot function properly. When I went through the Bill I could find, within a short time that there are certain matters in it which will not only put a halter round the neck of the press but will totally annihilate the press. The press or the newspapers will no longer be there. There will be no criticism of the Government's policy. No one can do that. But criticism of the Government and its activities is very essential and the Government should profit from such reasoned criticisms, not only by editors but also by public men. Suppose I want to criticise the ration laws of the land, I shall not be able to do so in public, or even if I say something in public, it will not find a place in any of the papers. Is this the way the views of a person should be muffled? My views will not be published, but at the same time the views of others will be given broad headlines. I know it for a fact that in Allahabad the rationing system has recently deteriorated very much and for days together I could not get any sugar. For four or five days no sugar could be had. I could not protest though I am a member of the Food Advisory Committee and there were second-class and third-class rices in the market.....

Shri Rajagopalachari: Was not *gur* available?

Prof. K. K. Bhattacharya: Yes, *gur* was, but no sugar. I had to send my servant for four days to the ration-shop to get a small quantity of sugar.

Shri Sondhi: Is that the reason that you are so sour to-day? You got no sugar?

Prof. K. K. Bhattacharya: I may state the position briefly and the various vicissitudes through which our press has had to pass. The press had to face threats. The people concerned with it had to undergo imprisonment. They had to pay security amounts and these amounts were, in many cases, forfeited. Editors had to face privations and humiliations at the hands of the bureaucratic Government of those days. And now on the eve of the elections if such a Bill as this one is passed, it will effect a great change. Everyone will feel a dread of putting

forth his view to the voter. It is not for the purpose of catching vote, but with a view to educating the electorate in the ways of democracy that we want this freedom of the press, so that the electorate may know which way to act, without any coercion or intimidation. At this stage, is it proper that such a law as this should be passed? The reaction in the country will be that the Government want that the opposition should be crushed, that not a word should be uttered against the Government. This will be highly unfair. I would ask of the hon. Home Minister one question. I have great regard for him and I regard him as a very astute politician and a statesman of very high stature. But I would ask him, if today the Government benches had been occupied by the opposition party or parties, would he have favoured the introduction of this Bill?

12 NOON

Some Hon. Members: Never.

Prof. K. K. Bhattacharya: Therefore these are the treasured privileges of every democratic country.....

Pandit Maitra (West Bengal): I am not interrupting the hon. Member but would he speak a little slowly so that we might catch what he says?

Prof. K. K. Bhattacharya: I am asking the Home Minister in all sincerity whether, if he were sitting in the opposition benches and another party in power had brought a similar Bill on the very eve of the elections, he would have supported it. This Bill would have the effect of a total damper on the free expression of opinion. I ask him in the name of democracy.....

Shri R. K. Chaudhuri (Assam): Let the Home Minister answer your question.

Shri Rajagopalachari: The hon. Member has asked the same question twice. Would he like me to answer it now or wait till the end.

Some Hon. Members: Now.

Shri Rajagopalachari: If I were sitting on the opposite side and if Prof. Bhattacharya as Home Minister introduced this Bill I would vote for it.

Prof. K. K. Bhattacharya: Then I think the Home Minister has lost all his old fire and patriotism.....

Shri Rajagopalachari: Having put the question twice and having asked me to answer it at once, he must take my answer.

Prof. K. K. Bhattacharya: I have today learnt that that old fire and zeal

in him has lost its pristine glory. I am saying what I feel.....

Shri Rajagopalachari: Fire has not lost its fire: only words have lost their meaning.

Prof. K. K. Bhattacharya: When in 1931 the British Government with all their panoply of power and prestige wanted to pass a Press law to throttle the freedom of the press I stood against that Government. In 1951 ours is a democratic country which hates fascism in any shape or form. Is it proper then or may I ask is there any shade of justification for passing this Bill and imposing these fetters on the press?

They have put in even books in the provisions of this Bill. It says "Book includes every volume, part or division of a volume, pamphlet and leaflet....." Suppose as an academician I publish a book on any matter that also comes under the purview of this Act. Therefore, it is not merely a curtailment of newspaper editors' freedom to criticise but curtailment of even an individual's right to criticise. Take the case of press correspondents. They will be working under a heavy handicap. So the net result of the inclusion of books will be that books cannot come out unless they sing the hallelujahs of the Government. There will therefore be no academic freedom. Suppose as an academic man I criticise the foreign policy of the Government and if anything appears in the newspapers those papers will come under the purview of this Bill, if it is passed into an Act. Is it proper that there should be restriction upon the expression of views even by academic bodies? Apart from that imagine the hardships of the press, which has to collect information from its correspondents under grievous liabilities and dangers. Therefore has the Home Minister realised that the net result of all this will be in the nature of a restriction on well balanced criticism of the policies of Government. The newspapers will become mere news sheets. All that they can say is that such and such a Minister came and delivered the following speech. All opposition will be muzzled. The Congress is a democratic body pledged to the establishment and maintenance of democracy. Today it is the one-party rule of the Congress and in the name of the Congress this press Bill should not have been brought.

The *Statesman* in a well considered article yesterday stated in its concluding paragraph "Free India demands a free press". When India today is a free sovereign republic do you want that these restrictions should be imposed on the Indian press and do you think that the risk is worth taking?

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The press today is against the sabotage of the Government. They want to strengthen the Government because they want an ordered Government to stabilise itself. Why then have you developed these nightmares in your breast that the press will sabotage the Government of the day and thus you want to ride rough-shod over their rights? It is my firm belief that the contingencies envisaged in the Bill are entirely premature and the provisions are unnecessary. Where is the emergency? None whatsoever. If there is a threatened invasion I can understand that there might be some justification for this Bill and in that event I will lend my full support to the Bill. I will even go from door to door and mobilise the support of the country in such an emergency. There is no such emergency today and when the country is tranquil do you want to pass this Bill? What will be the impression that you will create in the outside world? (*Interruption.*)

Shri Kamath: The hon. Member's gestures are incitement to crime!

Prof. K. K. Bhattacharya: So democracy will be reduced to a farce. This country is pledged to democracy and in the interest of democracy, equity and fairplay, I demand that the Home Minister should in all sincerity examine the pros and cons of the provisions of this Bill and I hope at long last he will decide to drop the Bill immediately, unconditionally and on the spot. The whole press is against it. Even the Members here have not had sufficient time for the consideration of the problem. This is a problem which affects vitally the press. The Bill has to come back within seven days from the Select Committee. Is it reasonable that such a short time should be given to Members to make them come to a decision on a question which vitally affects the freedom of the press. I would in conclusion.....

Shri B. K. Chaudhuri: Do not come to any conclusion.

Prof. K. K. Bhattacharya: I have come to my conclusion already.

Shri Sondhi: Take your own time to come to a decision.

Prof. K. K. Bhattacharya: Objectionable matters are defined here. What is the meaning of it? It says "to incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage....." There is mention of sabotage. I ask the Home Minister whether he was convinced of this before he brought this Bill? Let there be a secret session of the House, after clearing the press gallery and let us know which newspapers are really trying to sabotage the freedom of the

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country. Then it says further "incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order or with the administration of laws....." This is a peculiar thing. The law must be in consonance with the opinions of all reasonable men and if in the administration of law it is found that its administration is impracticable is it not proper and reasonable that people should rebel against the administration of such a law? You know that already bureaucracy is on the ascent in India—bureaucracy is absolutely usurping the functions of the Ministers if I may say so. And you are entrusting this high office to that bureaucracy. No word of criticism shall be uttered against the bureaucracy that the administration of rationing, food, civil supplies, cloth and everything may be bad; not a word of criticism should be uttered against this. I am talking of certain places that I know of, but is it known that there is a big blackmarket in Allahabad in cloth and also in rice? Why is there no attempt to unearth the conspiracy on the part of bureaucracy? Well, bureaucracy may say, "We are not taking people to jails". Is it enough to tell us so? We want that when a law is passed it is rigidly followed, not through the blackmarketeers, not through the evil-doers, but through the channels of justice. Well, if such a law as that of rationing was brought before a court of law the man could have said, "Four people came to my house in the evening. Therefore, I had to have food for them and I had to rush to the blackmarket to get it. Should I keep my guests and my father and mother and children without food?" Perhaps the Food Minister here, Mr. Munshi, will say, "Well, some sort of arrangement ought to be made." But not to prosecute them but allow them to go on merrily blackmarketing! He has shut his eyes to the realities of the situation. Law is one thing, the administration of law is quite another. The press has a right to offer legitimate criticism against the administration of law, especially when, from morning till evening and from evening till the next morning, we are living such an economic life regulated by the State. Under these circumstances, you may ask, "Will this not be unfair to the administration?" No, it will not be; it will be fair to the administration as also to the public because the administration exists for the public—the administration does not exist fair itself, it is not an end in itself. The administration exists for ministering to the comforts of the people, and therefore if the people suffer it is not a crime to say

that the law is improperly administered. There should be proper ground for ventilating the grievances against the maladministration of any law.

Then sub-clause (viii) of clause 3 mentions:

"grossly indecent, or are scurrilous or obscene."

I cannot understand the meaning of "grossly indecent". As a student of law I would say "gross negligence" and "negligence". But I cannot understand the difference between "grossly indecent" and "indecent". - It passes my comprehension.

The next clause refers to the "competent authority" and says that a "competent authority" can complain to the sessions Judge. Who will be the competent authority? Will he be a *thanadar*? Will he be a police constable? Will he be a Superintendent of Police or a Subdivisional Officer? I can understand it if only the Chief Secretary of the State Government can complain to the sessions judge. Even then I would not give the sessions judge the power to decide; I would entrust the power to the High Court. We have been accustomed to the system of trial by jurors and this entrusting the sessions judge with this power would not do. Only High Court judges should be entrusted with this work, and the "competent authority" should be defined to mean only the Chief Secretary of the State who should have ample material to go upon—if this Bill, at any rate, is to be enacted.

Clause 5 deals with the power to forfeit security or demand further security. Various provisions have been put down here. What will be the result? The Press will not know what will be the result of writing an article or reporting a speech by a public man or even of a lesser man like myself at either a public meeting or even an academical meeting. (*Interruption*). I know my own limitations, Dr. Singh. Under these circumstances the Press will be reduced to absolute servility. We want days of democracy. It is a well-known fact that democracy flourishes in England. Why? Because the press has got special advantages there. Apart from the citizens' rights, the press is clothed with additional advantages. One of those advantages, for instance, is that an unconditional apology will serve as a sufficient clearance of the press. The press can say, before the suit is taken up for hearing, "Well, I did not know; I thought it was quite fair comment. I was not fully convinced that it was negligence" and

the press is exonerated. But here we are curtailing the rights and liberties of the press. Is it not the very antithesis of democracy? I am not saying that Rajaji has not foreseen all these things, but I would like to tell him in all sincerity that astute and noble and generous as he is, he should see all the facets of the problem, that the first step by which a democratic country loses its democracy is when there is absolutism. And there is no greater engine for imposing absolutism than that of curtailment of the freedom of expression and dwindling of the rights and liberties of the press. Therefore I would ask him to beware of passing this Bill. I would tell him that it is better to take the risks of a free press and go ahead than that we should allow this Bill—with such modification or no modification after seven days in the Select Committee—to be put on the statute book. It will be a measure which will be detrimental to our true interests. Let me say once and for all that if there is an emergency today, here and now I can assure Rajaji, with all the solemnity of the occasion that I shall be the first person to see this Bill passed into law; if the country requires it not a moment should be lost, because our newly won freedom, our newly won democracy should not be jeopardised. But in tranquil times, with the prospects of a general election nearby, is it proper that this Bill should be passed into law? As I told you once before, it will be a sword of Damocles and will reduce the Press to servility.

Shri Deshbandhu Gupta: It was with feelings of profound disappointment that I listened to the speech of the hon. Home Minister the other day while he was moving his motion. It is a cruel irony of fate that the first measure dealing with the fourth estate which has been brought before this Parliament of free India deals with a subject which seeks to impose new restrictions on the Press. The very title of the Bill, as you may have noticed is, "The Press (Incitement to Crime) Bill, 1951". It appears the title has been borrowed from one of the previous measures called the "Incitement to Offence Act of 1908," with the only difference that instead of using the word "offence" the Mover has chosen to use the word "crime".

Before coming to the Bill I would like to explain the reasons why I abstained from serving on the Select Committee. The hon. the Home Minister referred to that.....

Shri Rajagopalachari: I did not refer to the hon. Member at all.

Shri Deshbandhu Gupta: I am very glad if he meant two other hon. Members who had declined to serve on the Committee. Then I beg his pardon.

Shri Rajagopalachari: What I wish to explain is that the hon. Member should not take it that I mentioned his name.

Shri Deshbandhu Gupta: That gives us an insight into the provisions of this Bill. The hon. the Home Minister did mention that I was one of those two persons who had declined.

Shri Rajagopalachari: I thought it was not proper to mention names of persons who were asked in the ordinary way to serve on a Committee. I said some Members had declined and they are not there. Why should it be said that I mentioned his name when I did not?

Shri Goenka rose—

Shri Rajagopalachari: Let the matter be made perfectly clear. I do not think that it was a matter which authorised me to mention names—not that there is any secrecy about it or any impropriety about it. I say that I did not mention any names.

Shri Goenka: May I bring it to your notice that a very exceptional procedure was adopted in this case. Of the several Members on the Committee only two were asked in writing whether they would be willing to serve on the Committee and their reply was asked for in writing. To my personal knowledge no other hon. Member was asked in writing whether they would be prepared to serve on the Committee. In fact, even absentee Members have been included.

Shri Rajagopalachari: If it is a matter of debate I am perfectly willing to go into it, but the facts need not be enlarged upon too much. I had given a list of names and the Chief Whip was to get them to agree. The Chief Whip added some more names. Naturally he asked people and when he told me that so and so did not agree, I considered their position, their connection with the matter and their importance. I did not wish the matter to be left in doubt and I wanted to know whether they really refused. They wrote in pencil on that paper: "We do not agree." I need not go into all that—there is nothing improper in their refusing.

Shri Sandhi: On a point of information may I know whether the selection of Members to serve on the Select Committees is done by the hon. Minister or by the Chief Whip, because in

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this case I was told the list was compiled not by the Chief Whip, but by the hon. Minister himself.

Mr. Chairman: This is not a matter which requires any sort of discussion.

Shri Deshbandhu Gupta: Sir, if you will refer to the speech of the hon. Minister delivered the other day, when he proposed the names, my hon. friend Mr. Sondhi pointed out that my name had been omitted. It was in reply to that that the hon. Minister replied: "The list should have had two more important Members, but they have not yet given their consent. I find that they have expressed their desire to stand outside the Select Committee—probably for greater freedom."

My point was not about the mentioning of names. What I mean to say is that I want to explain what "greater freedom" means and why I abstained from serving on the Committee. In any case, even if the hon. Minister did not mention, or refer to it, I would have been well within my rights to explain why I did not agree to serve on the Select Committee.

The hon. Home Minister referred to "greater freedom". I really have not been able to understand what exactly he meant. To my mind it does mean an admission on his part that Members who have agreed to serve on the Committee have somehow limited their freedom of expression in this House. (Some Hon. Members: No, no: not at all.) This may probably also explain the reason why the list of Members who have been included in the Select Committee contains 34 names and would have been 36. In any case that is not a very material point as long as Members who are allowed to serve on the Select Committee are also allowed to express their views here as to the principle of the Bill.

The reason why I had declined—and I believe my hon. friend Mr. Goenka also shares that view—is entirely different. It is on a fundamental question: it is a question of principle. I am opposed to the very principle of the Bill. It was expected of the hon. the Mover of the Bill to explain to the House as to what the principle of this Bill was. I have read his speech. I listened to his speech. But I have not been able to understand what exactly the principle of the Bill according to him is. What I understand from the provisions of this Bill is that this is a discriminating Bill. It discriminates between individual freedom (the freedom of expression allowed to the individual) and the freedom of the newspaper, and that to my mind is a very

dangerous principle. That is one of the reasons why I thought that by agreeing to serve on the Select Committee I would not be doing the right thing.

The hon. Home Minister also referred in the concluding portion of his speech that members of the press asked for special privileges and when they bring forward special legislation the press takes a different stand. I tried to explain this when my hon. friend Sardar Man this morning pointedly asked me whether it was a fact. I want to make it clear that the press of India has never demanded any special privileges. All that they demanded at the time of the drawing up of the Constitution when the Fundamental Rights were being considered by the Constituent Assembly—was that there should be in the Fundamental Rights a specific provision in express words guaranteeing the freedom of the press. There was nothing special about it. When it was explained by the hon. the Law Minister that freedom of expression includes freedom of the press, the members of the press, the representatives of the press (not merely those who happened to represent the press in the House, but the press in general) were satisfied with it. So, it was not a question of asking for special privileges. The stand which not only the Indian press, but the press in the Commonwealth as well as democratic countries, has taken is that the same amount of freedom which is guaranteed to the individual citizen should also be guaranteed to the press. We neither want privileges nor penalties. We neither want any special treatment by way of concessions nor do we want any special laws to fetter our freedom. That is the stand taken by the press of India and the press of all democratically governed countries. That is one reason, as I said, why I am opposed to the principle of this Bill and I think that the Government should in fairness consider this question, after the Fundamental Rights, after the freedom of expression guaranteed to the press, and after having made so many assertions here and outside the House that the press of India is a free press and no disability attaches to it, whether there is need for any special legislation to deal with the press.

Shri B. Das (Orissa): But we amended the Constitution.

Shri Deshbandhu Gupta: Another reason why I have given notice of the amendment which stands in my name is that sufficient time has not been given to the House, to the country, to the press to consider this very important measure. The House is aware that

it was only last week that this Bill was introduced and, if I may say so, even in the Standing Committee of the Ministry of Home Affairs where all such measures are expected to be scrutinised before they take final shape, this measure was not textually brought before it. I happen to be a Member of that Committee; I have been a Member for so many years here and have served on the Home Affairs Standing Committee and other Committees. It was a most extraordinary thing for me and never has it happened before that important measures were not discussed in the Standing Committee. It was presumed that only the principle of the Bill or some main features of it were verbally explained and that the Standing Committee approved of the same. I have made it clear then and I make it clear now that this Bill was not considered as such in the Standing Committee.

Pandit Maitra: When did you have the last meeting?

Shri Rajagopalachari: What did the other members do about it?

Shri Deshbandhu Gupta: What the other members did is incorporated in the proceedings of the Standing Committee. I do not think it would be fair to the other members for me to explain what their real reaction to it was, but I know they said "Well, it is all right if you think that this is enough" and they agreed. But it remains a fact that the text of the Bill was never made available to the members of the Standing Committee and was never considered as such by the Standing Committee. The meeting was held on the 29th—the Bill was put before the House on the 31st—that is, just two days before this Bill was actually moved in this House by the hon. Minister.

Shri Bhatt: What was stated in the Standing Committee proceedings?

Shri Deshbandhu Gupta: I think the Standing Committee proceedings are circulated to all members and I would not like to take up the time of the House.

Shri Bhatt: There are only two lines.

Shri Deshbandhu Gupta: That explains everything.

I must confess that I have not been able to understand the reason for the anxiety on the part of the Government to rush a measure of this importance in this manner. After all what is it that we lose if this measure is not rushed in this fashion? The press of India, as has been pointed out here, was promised consultation on the Bill at an earlier stage. I am indebted to

the hon. Home Minister for having met the members of the Standing Committee of the All India Newspapers Editors' Conference a few days before this Bill was proposed. Even there the difficulty or the handicap under which this body suffered was that the text of the Bill was never before us and we were looking forward to get the text of the Bill before it was actually introduced in this House so that we could.....

Shri Rajagopalachari: Since the hon. Member is going into so much extraneous procedural matters, may I ask him not to be satisfied with negatives but to tell something positive? He says I did not place the text of the Bill, but what did I put? Can he not be fair in that respect? Were not all the principles explained? Is there anything in the Bill which he had not understood then?

Shri Goenka: Yes, there is.

Shri Deshbandhu Gupta: If the hon. Minister will only allow me to proceed, I will not be unfair to the hon. Minister.

Shri Rajagopalachari: I would not be interrupting again but I want to make this last request. If anything external is referred to and if partially a thing is stated in a negative way, whether it would not be fairer to put the positive clearly before the House.

Shri Deshbandhu Gupta: The definition of 'objectional matter' which is the most important part of this Bill was never placed before us as such.

Shri Rajagopalachari: I placed a typed copy of the section in the hon. Member's hands.

Shri Deshbandhu Gupta: I am talking of the Editors' Conference. I am not talking of the Standing Committee because the hon. Minister wanted to know what happened. Let it not be..

Shri Rajagopalachari: Let there be no mistake. In the Editors' Conference, I remember—I think, I am right—I gave a typed copy of this section and said it was the fundamental matter in this Bill. I think the hon. Member was specially favoured with that single typed copy. My memory may be wrong.

Shri Goenka: It is so.

Shri Deshbandhu Gupta: In fact the impression that we gathered.....

Shri Rajagopalachari: I am sorry, at the meeting of the Standing Committee this is what happened. At the Editors' Conference it was not ready. But I gave the list.

Shri Deshbandhu Gupta: Exactly, I am referring to that. I am not making a grievance of it. All that I want to impress on this House and on the Treasury Benches is that sufficient time has not been allowed for the expression of opinion on a measure like this, either to the press, the people concerned, or to the country at large. That is my argument and I do not think the hon. Minister will seriously contend that argument.

What I have not been able to understand is the object of this Bill which seems to be, as the hon. Home Minister himself pointed out, that it is in accordance with the assurances that were given in the course of the debate on the amendment of the Constitution. In order to honour those assurances the Government has been good enough to bring forward this measure. Obviously the main object of bringing forward this Bill is to allay the fears or apprehensions of the press which they entertained at the time of the amendment of the Constitution Bill. It was said on behalf of the press that the Constitution (Amendment) Bill was going to have retrospective effect. The result will be that many laws which had become obsolete in view of the freedom of expression guaranteed by the Constitution and later interpreted by the Supreme Court would be revived and as my hon. friend, Shri Mishra in his very eloquent speech this morning read out from the speech of the hon. the Prime Minister, the intention of the Government had been made quite clear. If that is so, I would like to know what objection today Government can have to give time to the country and to the press to express their views about this measure.

Then the impression created by the speech of the hon. Home Minister was, as was pointed out by more than one speaker, that this Bill was a very liberal Bill and that some fundamental changes have been made in the press law of India, to use the very terms used by the hon. Home Minister. I may be allowed to refer briefly to the history of Press laws in India so that the House may know what exactly is the position at the moment and what exactly has been the position for some time in the country.

It was in the year 1857, after the Mutiny or I should say, the First War of Independence that the British Government for the first time introduced a measure which had an absolute control on newspapers. This measure was for just one year and no more. It was in the year 1878 that the Vernacular Press Act was passed. That was confined only to the language papers. This Act also was limited to a period of three years. Except during these two brief intervals, the press of India was governed by the ordinary law of the land. I may point out that the Vernacular Press Act was applied only in one case during its life of three years. Indeed, during the 30 years 1877 to 1907, the law was set in motion only 16 times. But, that was not any Press law. It was in 1908 that the first important Press Act called the Newspapers Incitement to Offences Act was passed. This Act introduced for the first time the principle of imposing restraints on newspapers in the form of demanding security. It was followed by a more comprehensive Act which gave much wider powers to the Government, the hated Press Act of 1910. It was in spite of strong opposition from patriots like the late Pandit Madan Mohan Malaviya of revered memory and Shri B. N. Basu and some other nationalist members of the Governor General's Council that this measure was passed. These two Acts, the Act of 1908 and the Act of 1910 held the field for about 12 years. It was in 1921 that a Committee was appointed by the Government to consider the question of repealing these two Acts and it was on the recommendations of that Committee that these two Acts were repealed in 1922. That was perhaps the first Press Laws Enquiry Committee appointed by the British Government, at a time when the Non-cooperation Movement was started in the country. That Committee recommended that as these two measures were emergency measures—that is the important part which I want to impress on the House—those Acts should be repealed because the political situation had undergone great changes since 1910. From 1922 to 1930 the Press of India was again governed by the ordinary law of the land. This is a fact which appears to have escaped the attention of the hon. Mover of the Bill and he seems to have forgotten that in an important period in the history of India—from 1922 to 1930—there were no special laws governing the press of India.

Then at the time of the Civil Disobedience Movement in 1930, again the British Government issued an Emergency Press Ordinance. This Ordinance, as the name suggests, was an emergency measure. This emergency ordinance was followed in the next year 1931 by an Act of the House which was called the Emergency Powers Act of 1931 on which I would say, the hon. Home Minister has based his Bill to-day.

Then again it is noteworthy that under the original sub-section (3) of section 1 of this Act, the Act was in force for one year only. Power was given to the Government to extend it for another year, or from year to year. But the conception of the Legislature at the time it was passed was that a measure like that cannot become a permanent Statute. It is essentially an emergency measure and must remain in vogue for a limited period. The operation of this Act was extended from time to time and ultimately sub-section (3) of section 1 was repealed by the Criminal Law Amendment Act of 1935 so as to make the Statute a part of the permanent law of the country. The original section 4(1) of the Act had only two clauses—(a) and (b). Clauses (c) to (i) and the explanations were added by the Act of 1932. Under the scheme of this Act, section 4(1) defines certain cases of objectionable matter. Sections 3 and 7 empowered Government to require the keeper of a press and the publisher of a newspaper respectively, to deposit securities up to a sum of Rs. 1,000 which may be increased to Rs. 3,000 if any previous keeper or publisher had been required to deposit security. It was provided, however, that the security shall be refunded if no offence was committed within a period of three months. Much has been made of the concession which the hon. Home Minister has given in this Bill by removing the provision of demanding security at the time of bringing out a publication. This has been made to appear as a very big concession that has been made in favour of the press of India. I would like him to take note of this fact that the provision in that Act of 1931 which was thereafter made permanent law, was that only in the first instance should the security be demanded for three months and the limit of the amount of the security was Rs. 1,000 only in the case of a new press or new paper or Rs. 3,000 in the case of a press or paper where the keeper has been the keeper of some other press also. Now, I ask is this really a very big concession? Is the hon. Minister in a position to say how many presses have forfeited their security during these three months? Though I do not have definite figures here, I can say there will be very very few cases where the securities were forfeited.

Another legislation, Sir, affecting the press which replaced the Ordinance promulgated in 1931 is the Foreign Relations Act of 1932. In 1934 The Indian States Protection Act was passed to protect the administration of States in India. Then came the Second World War, and the promulgation of the

Defence of India Rules which, of course, gave wide powers to Government for control of the press. It was on the 30th of September, 1946 that these powers came to an end. During the course of 1946 and 1947 most of the Provincial Governments enacted Ordinances to deal with the situation. These Ordinances were in due course replaced by temporary emergency legislation which was passed by the Legislatures. These Acts are popularly known as the Public Safety Acts. The provisions of these emergency enactments, in so far as they affect the press, relate to the imposition of pre-censorship, control of publication and certain other things. The second important concession which the hon. Home Minister has made is the removal of pre-censorship. I agree it is a thing which has been conceded to the press. But the hon. the Home Minister seems to think that pre-censorship has been part of the press law for all time in this country. This has never been so. I want to point out to him that pre-censorship was no part of the Act of 1931, pre-censorship was no part of the Press Act of 1910, pre-censorship was no part of the Newspapers Act of 1908. It was only in 1946 and 1947 that the Provincial Governments, in order to deal with the after-effects of the war probably, introduced this element of pre-censorship in these enactments. Of course during the war the Defence of India Rules were there. But that is an emergency, and we have got ample emergency powers to deal with the situation. Is it contended seriously that these emergency measures which for the first time provided for pre-censorship in the years 1946 and 1947 were going to last forever? And is it really any 'concession' if that pre-censorship is withdrawn today? Is it not on the contrary, I would say, a reflection on the Government that they should have waited so long to withdraw this previous restraint which is so undemocratic and which interferes with the freedom of the press?

This in short is the history of the repressive press laws in India. The three points which will be clear from this history is that the press was governed for many many years by the ordinary law of the land. The second thing is that these preventive measures of 1908 did not have these emergency powers and all that. I have already dealt with these things. It was in the year 1946 when for the first time our honoured leaders took the reins of office that my hon. friend's predecessor, the late Sardar Vallabhbhai Patel of blessed memory, was invited by the Standing Committee of the All India

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Editors' Conference to a meeting held in Delhi—it was probably in the month of May, 1946, I do not exactly remember the date—and at that time, as soon as the Defence of India Rules had ceased to operate, the press of India renewed its demand for the removal of all those objectionable features of the press law. The hon. Sardar Vallabhbhai Patel was very kind to agree to the appointment of a Press Laws Committee. This Press Laws Committee has already produced its report and I would not like to take the time of the House by reading from the report the terms of reference of this Committee. I only wanted to give the House an idea of the appreciation of the situation, that although there was an emergent situation, the press of India did never reconcile itself to the existence of pre-censorship or to the demand for security and other things. As soon as the Defence of India Act ceased to exist, they renewed their demand and approached the Government for this purpose. This Press Laws Inquiry Committee submitted its report in May, 1948, and made the following recommendations. I will read only briefly but that is the main thing and that is exactly the subject which we are dealing with.

They proposed certain amendments as suggested in section 3, section 5(2), section 5(3), section 5(4) and section 11 (paragraph 61), of the Press and Registration of Books Act.

The Indian States (Protection Against Disaffection) Act, 1922 and the Indian States (Protection) Act, 1934 should be repealed (paragraph 63).

The Indian Press (Emergency Powers) Act, 1931, should be repealed but the following provisions of this Act, should be incorporated in the ordinary law of the country:

(a) clauses (a) to (i) of section 4(i) which define offences should be incorporated in the Indian Penal Code or other law.

(b) Sections 15, 16, 17, 18 and 32 should be incorporated in the Press and Registration of Books Act.

(c) Section 19 should be incorporated in the Criminal Procedure Code.

(d) Section 20 should be incorporated in the Sea Customs Act.

(e) Sections 21 and 22 should be incorporated in the Indian Post Offices Act.

(f) Separate provision should be made to vest courts of justice with power to order the closing down of a

press for a specified period in case of repeated violation of the law by the press. (Paragraphs 65, 66 and 68).

The Foreign Relations Act, 1932 should be repealed and more comprehensive legislation should be undertaken to make provision on a reciprocal basis for protection of Heads of Foreign States. Foreign Governments and their diplomatic representatives in India from defamatory attacks, etc.

Section 124 A of the Indian Penal Code should be amended to give effect to the judgement of the Federal Court in the case of N. D. Mazumdar.

An explanation should be added to section 153 A of I.P.C. to the effect that it does not amount to an offence under that section to advocate a change in the social or economic order provided such advocacy does not involve violence. (Paragraphs 70 and 71).

Section 144 of the Criminal Procedure Code should not be applied to the press; and separate provision should, if necessary, be made by law for dealing with press in urgent cases of apprehended danger. (Paragraph 74).

Others are not so important.

Now the recommendation of this Committee have been before the Government since May, 1948. The House will remember when I asked a question in the course of the debate on the amendment of the Constitution Bill, as to what has happened to the recommendations made by this Committee, I am sorry to say, the answer from the Prime Minister was that he had not seen the recommendations of the Press Laws Inquiry Committee and three years after this important Committee which was appointed at the request of the press and which was given priority had submitted a report in May, 1948 and after three years when a question was put the reply was that my attention has not been drawn towards these recommendations. The Home Minister at that time.....

Shri B. Das: It was the Home Minister's job and not the Prime Minister's.

Shri Deshbandhu Gupta: I have a different opinion of the administration than my friend has. If the Home Minister holds out promises here that the repressive laws were going to be repealed and the Prime Minister after three years and on a special Committee's report pleads that he is unaware of the recommendations of that Committee, I think it is something of which note has to be taken.

Shri Rajagopalachari: Did the Prime Minister make a promise before the 1948 report? I think there is some confusion. The report that was referred to by the hon. Member was examined and reported on and proposals were made and the thing was there but the Prime Minister's portfolio did not deal with it.

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Shri Deshbandhu Gupta: I never said that the Prime Minister made any promise before 1948. I am only referring to the concern or the consideration which the Government of India have shown to the demands made by the press of India with regard to the amendment of the Press law, and I think my hon. friend the Home Minister for whom I have the greatest regard, will concede the point that for three years, the report of the Press Laws Enquiry Committee should remain without receiving attention from the Government is really not very creditable to the Government, to say the least. The hon. Home Minister at that time was pleased to say,—I am not using the actual words; I have got his full speech and I can quote if necessary—that since the Constitution gives full freedom to the press and guarantees freedom of expression, most of the recommendations of this Press Laws Enquiry Committee had become unnecessary. Very right, Sir. But, what followed in the wake? The amendment to the Constitution Bill came here. Thereafter, what we find is the new Bill which is under consideration at the moment. All these laws were not part of the substantive Press law and they were repugnant to the provisions of the Constitution as was implied by the reply given by the hon. Home Minister then. It means they have been revived as a result of the amendment of the Constitution and that is the reason why Government today is seeking to repeal them or amend them. If that is so, we have to see what exactly this Bill is.

Before I deal with the Bill clause by clause, I may be permitted to say very respectfully that the hon. Home Minister while moving the motion has only presented one side of the picture. An astute and eminent lawyer that he has been, he has ignored the other side. He has tried to create an impression in the House that the important recommendations of the Press Laws Enquiry Committee have been accepted and that the Government has very generously made fundamental changes in the Press law, and granted a very big concession to the newspapers through this Bill.

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Shri Rajagopalachari: All these adjectives are not mine.

Shri Deshbandhu Gupta: I am using the word 'fundamental' which has been used by the hon. Home Minister.

Shri Rajagopalachari: Generous and very big concession, I did not say.

Shri Deshbandhu Gupta: If the hon. Minister says that any concessions have been made.....

Shri Rajagopalachari: If I make a concession, I will never call it generous.

Shri Sondhi: May be so humble?

Shri Deshbandhu Gupta: On this basis, he even expressed the hope that this Bill will have an easy passage through this House. He has laid great stress on the removal of pre-censorship and repeal of the provisions to demand security in the first instance before the publication of a paper starts, the replacement of the executive by the judiciary for demanding or for forfeiting security and fourthly, but not the least, the provision for trial by a jury consisting of experienced journalists. These are the four big points which the hon. Home Minister tried to make in his speech. I have dealt with only one aspect of the question. So far as pre-censorship is concerned, I only want to point out that my own reading of the Constitution—I am not a lawyer; but I have met lawyers and discussed this point with them—and along with the Constitution, the judgment of the Supreme Court in the cases of Cross Roads and Organiser, is that pre-censorship is repugnant to the Constitution and it has not been revived as a result of the amendment of the Constitution. I would like, in this connection, to refer to the words used by the Judges of the Supreme Court, i.e. in the two well-known cases, Ramesh Thapar Vs. The State of Madras and Brij Bhushan Vs. The State of Delhi, cases popularly known as "Cross Roads" case and "Organiser" case. The hon. Judges, agreeing with a long line of eminent jurists and judicial authorities of the democracies of the world, decided that:

"The imposition of pre-censorship on a journal is a restriction on the liberty of the press which is an essential part of the right to freedom of speech and expression declared by article 19 (1) (a)."

And the hon. Judges approvingly quoted Blackstone:

"The liberty of the press consists in laying no previous restraints upon publications and not in freedom from censure for criminal matter when published. Every

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free man has an undoubted right to lay what sentiments he pleases before the public; to forbid it, is to destroy the freedom of press."

These are the actual words used by the Judges in their judgment given by the Supreme Court. And the legal opinion that I have been able to consult is.....

Shri Bharati (Madras): Now that we have agreed to do away with pre-censorship, is not most of this of only academical interest?

Shri Deshbandhu Gupta: No, no. My hon. friend asks whether this is not only of academic interest now. I say no, because you may remove pre-censorship to-day, but impose it tomorrow in the absence of a guarantee in the Constitution. My stand is that the Constitution guarantees it and there is no question of any concession having been made to the press in this respect. I do make a distinction—which probably my hon. friend there does not—between a legislative guarantee and a constitutional guarantee.

Well this finding of the Supreme Court has not been affected by the amendment of article 19(1)(a) of the Constitution. I have consulted legal opinion and the House will agree also that removal of pre-censorship is really not a big concession. It is perhaps intended more to bring the law into line with the Constitution than anything else and.....

Shri Rajagopalachari: That is why I said I did not use the words, "very big concession". I pointed this out at once. It is not a private property and how can I make a big concession? I am conceding the rights of the State. How can I concede anything very big?

Shri Deshbandhu Gupta: I am very glad this interjection has helped me to understand that the hon. Minister also believes that pre-censorship is repugnant to the Constitution even as amended.

Shri B. K. P. Sinha: Will the hon. Member refer to the lines in the judgment which leads him to the conclusion that pre-censorship is repugnant to the Constitution? The judgment only says that it is a restriction on the press. It does not say that it is repugnant to the Constitution.

Shri Deshbandhu Gupta: Let my hon. friend read the judgment and he will, I am sure, agree with what I have said. As I have already stated, I am not a lawyer myself. But from the people

who conducted these cases and from a reading of the judgment—there may of course be room for difference of opinion in such matters—I understand that pre-censorship is still held repugnant to the Constitution, although the Constitution has been amended.

The second point made out by the hon. Mover is the liberalisation of the provision to demand security from a newspaper when it starts publication. I have already dealt with this point and shown that there was a limit both in respect of the period and in respect of the amount in respect of this security.

The third point is that much stress has been laid on the replacement of the executive by the judicial authority. It has been made to appear that so far as the demand of security is concerned it has always been left to the executive to do so. In this respect also I would respectfully draw the attention of my hon. friend to the provisions of the Incitement to Offences Act of 1908. The same procedure existed then but only at that time it used to be a magistrate and today under this Bill it is going to be a sessions judge.

An Hon. Member: A very great difference.

Shri Rajagopalachari: Shall I put down magistrate in the present Bill?

Shri Deshbandhu Gupta: I am very sorry the point is being missed. I would point out that a magistrate is part of the judiciary and not of the executive alone.

An Hon. Member: Not now. (*Interruptions*).

Shri Sidhya (Madhya Pradesh): In some places it is so and in some others not.

Shri Deshbandhu Gupta: Today if a magistrate demands a security there is an appeal against that. The magistrate has to be satisfied and it is expressly provided for in the Act itself. The hon. Minister has provided an enquiry and in the Act of 1908 also similar provisions existed, namely that the magistrate has to go into the question judicially. That is the point. It is said now that it will be the sessions judge and not the executive who will deal with this matter. I want to tell the Minister and the House that this is not a new provision, though I do not undervalue the importance of it, because we have to be thankful even for small mercies. We do not want any securities at all and from that point of view it is a small mercy.....

Shri Rajagopalachari: The hon. Member is making such a lucid speech

that I do not want it to be spoilt. It is not a small mercy but a very great thing. (*Interruption*).

Shri Deshbandhu Gupta: Unfortunately my hon. and esteemed friend thinks that it is a very big concession.

Shri Rajagopalachari: No concession. Big thing, not concession.

Shri Deshbandhu Gupta: So our approach to the question is almost diametrically opposed. What he thinks to be a big thing we think really to be a very small mercy.

Shri Rajagopalachari: There is very little time for the House to adjourn for the day but let me point out that it is a very big change but no concession. Does the hon. Member mean to say that it is not a big change? If so,

I would be constrained to say that he has not understood the subject matter.

Shri Deshbandhu Gupta: I have already thanked the hon. Minister for having introduced the change but the point is whether that change is worth the importance attached to it. It is an improvement but what does it matter?

Shri Goenka: For presidency towns the Chief Presidency Magistrate is now considered as the sessions judge under the provisions of the Bill. Up to now that has been the case also with regard to presidency towns.

Shri Rajagopalachari: But with a jury now.

The House then adjourned till Half Past Eight of the Clock on Tuesday, the 11th September, 1951.