

**STATEMENT RE: SITUATION IN
KARNATAKA ARISING OUT OF PRO-
TEST AGAINST PUBLICATION OF
A SHORT STORY IN AN
ENGLISH PAPER DECCAN
HERALD**

17.04 hrs.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): The House is aware of the recent violence in Bangalore and some parts of Karnataka as a result of protest against publication of a short story in the Deccan Herald Weekly' supplement of December 7. In the consequent rioting, police had to open fire in Bangalore as well as in Mysore. According to information, 11 persons were killed in Bangalore and 4 in Mysore as a result of police firing. The Central Government is in contact with the State Government and has asked for fuller and complete details in the matter. The State Government has already initiated some administrative action. A judicial inquiry into the incidents has also been ordered. It is learnt that the editor and the publisher of the news-paper have been arrested U/S 153A of IPC and cases registered against them. Measures for relief are also reported to be in hand. Details from the State Government in this regard are awaited.

2. It is a matter of deep regret that a careless and provocative story should have been published in a newspaper without regard to the feelings of our Muslim brethren. Several precious lives have been lost in the process. The H.M. has spoken to the Chief Minister of Karnataka and also to the Governor. Both of them have assured him that all steps are being taken to restore law and order and bring about normalcy. I have been in constant touch with the State authorities. The Central Government has offered all assistance that the State Government may require.

3. We have requested the Chief Minister to ensure that such provocative publications

do not recur and he has assured us that steps will be taken in this behalf. We have impressed upon the State Government to maintain law and order and to see that the situation is not exploited by anti-social elements.

4. We have also been in touch with the leaders of the Muslim community in Bangalore and have assured them fullest protection and action against elements who are out to vitiate the atmosphere of communal harmony. While we share the sense of hurt of our Muslim brethren, I would appeal to them to accept the unconditional apology of the Editor of the newspaper which has been prominently published. I convey my deepest sympathies to the families of those who lost their lives and those who have been injured in the last two days.

5. Peace and communal harmony are the need of the hour and I appeal through this House to all sections of the people in Karnataka to restore peace and communal amity.

17.05 hrs.

**CHILD LABOUR (PROHIBITION AND
REGULATION) BILL 1986—Contd.**

[English]

SHRI P. PENCHALLIAH (Nellore): Mr. Chairman, Sir, I support the Child Labour (Prohibition and Regulation) Bill. The founding fathers had taken enough care of children but their dreams even to this day remain as mere dreams.

During the past 40 years we had been worried about making legislation but we were not concerned about the implementation of those legislations. Today we are adding one more legislation. Acts concerning the children are pulling up and gathering dust in the concerned Ministries. Only the other day there were heated arguments about the language of the Anti-Terrorists Act Government was only worried about its interpretation rather than utilising it for curbing terrorist activities in the country. I am also very much doubtful about the implementation of this legislation. I hope at least now the Government would try to implement this legislation.

[Shri P. Panchalliah]

Government intends to prohibit engagement of children in certain employments and regulate the conditions of work of children in other employments through this Bill. The object is laudable only if it is implemented sincerely. There is no small scale or cottage industry in the country where children are not being employed. Take, for example, the glass factory, match factory and fire works factory. It is the children who manage the show. Thousands of innocent children literally play with their death everyday in order to earn their livelihood. In many cases they go blind or get physically handicapped or die. Even by carrying out these hazardous jobs they are not getting enough to eat. Employers are interested in earning huge profits at the cost of these helpless children.

We often claim ourselves to be one of the ten industrially advanced nations in the world. Our industries in the country are dependant on small scale industries which in turn are dependant on children for running them. We pay adequate salaries to the workers in the public sector but, at the same time, do not care what a child gets after a day-long labour. The Government should, therefore, take keen interest in the welfare of the children.

Sir, we are a developing country. Most of the people are living below the poverty line. These are the people who send their children to earn some money for supporting the family. If we want to improve the conditions of the children, adequate attention should be paid to these aspects.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Sir, I am grateful to the Hon'ble Members who have participated in this debate and ventilated their concern, feelings and anguish over the problem of child labour in our country. All of us in this august House very much know the problem of child labour. I think some of us not only know this but understand it because some of us have experienced it also. At least, I have experienced,

Mr. Choubey said that I had come to this House with a good intention. Sir, I

have come with this Bill not only with a good intention, but I have come with a conviction. We cannot take this problem lightly. The fact that there are 17 million children working in our country means that it is something very grave. Therefore, we must try to understand why they are working. (...Interruptions)

More or less, the House has come to a conclusion that in most of the cases among these children, it is an economic necessity. I do not think everybody understands what is an economic necessity. I do not think everybody understands what is meant by poverty. Those who are talking against this Bill, would not have talked so, had they undergone poverty. We know what is poverty in this country. We know what starvation means in this world. These millions of children are forced to work for their livelihood.

An Hon'ble Member has said that he supports this Bill with disappointment. Do you think that I am not disappointed? It would have been my wish if child labour could have been abolished with a stroke of pen. If I come to this House and say that the child labour is hereby abolished and the whole House welcomes it and claps, do you mean that the child labour would be over in this country? It will not be. Therefore, we have given a lot of thought to this. There were three ways open to us. One let it remain as it is; two let us abolish it, ban it, but as I said: Is it possible? When, it is not possible, when we cannot abolish it, and at the same time, we cannot just let the things happen as now, we thought, something must be done. Keeping the whole situation in view, we thought, wherever possible, we should ban it and wherever it is not possible, we should regulate it.

Some Hon. Members have raised the question of constitutionality of the Bill. Article 24 of the Constitution prohibits employment of children below the age of 14 in mines, in factories and in other hazardous occupations. It does not ban everywhere, otherwise the framers of the Constitution would not have mentioned specifically these three things. Therefore, according to the provisions of Article 24 of the Constitution, we have come here to ban the employment

of children below the age of 14 in those areas which are contemplated under Article 24 of the Constitution. But in the other areas, non-mining, non-industry and non-hazardous areas, we thought that under the present circumstances, the best way for us is to regulate it, and then we should also come forward with some welfare measures. All the Hon. Members were very right in expressing their disappointment, that this Bill does not contain anything about the welfare measures. I must take the House into confidence that we really thought over this and we decided to deal with the problem of child labour in three ways. First, we should ban it, where it can be banned, and where it cannot be banned, we should regulate it, and then rehabilitate them and draw up a welfare programme for their education, health and nutrition. Everything should be provided for them.

When we discussed this, there was a suggestion that we should go, as some Hon. Members suggested, for imposition for a cess and create a welfare fund in order to undertake the welfare measures. Somehow, after a lot of deliberations, we came to the conclusion that we should not impose any more cess for the creation of welfare activities and we must go with a budgetary support and since we did not opt for cess, it did not find a place in the Bill. But I want to make the intention of the Government very clear that we want to deal with the problem of child labour in three ways. First, ban it or prohibit it in mines, factories and hazardous areas; two, regulate it in non-mining, non-industry and non-hazardous areas and three, which is the most important, come out with welfare measures which will include the education of children, health of the children, nutrition programme for the children etc. We are working on these welfare programmes.

I have had a occasions of taking a couple of meetings at the highest level in the Government of India and hopefully, not hopefully but definitely, in the next session of Parliament, I will come back to you and I will announce the National Child Labour Policy which will contain a concrete action plan for the welfare of the working children. I shall be announcing it in the next session of Parliament.

These are the few remarks that I thought I will make it.

I do agree that this Act will become meaningless unless it is strictly implemented. Implementation is the most important thing. This problem, I must say, is a national problem and this has got to be tackled by the whole nation. This is what I would like to submit. Therefore in the Act itself, we have contemplated one aspect. In Section 16 of the Act, in order to prosecute, in order to launch either a prosecution or a complaint, power has been given to every citizen of this country.

I must also mention about welfare measures too. We will also involve voluntary organisations in doing the welfare work in this regard and in the next Session, I will be coming with an announcement about this aspect. Therefore, the whole nation has to address itself to this problem and we must all put in a concerted effort to solve this problem.

The other day, a delegation comprising a number of women came and met me. They are from all over India, almost from every part of the country. They came to my office and abused me saying that I was inhuman and what not, because I was going to legalise child labour. They abused me like anything. Fortunately for me, I knew only lady member in that group because I know her husband who happens to be a big exporter and I was in touch with him when I was in the Ministry of Commerce. I told her, "Madam you do not know that I know your husband very well. Now you are a very rich woman. Your husband is a very rich man. You have two children but you have the capacity to look after more than 100 children. You have got that much of wealth. If you are so concerned about children's welfare and child labour, will you please adopt one more child at least? If you do not do it, this is the last time you are meeting me in your life. You have no right to see me again until and unless you adopt one more child. I am telling you all this because unfortunately we do not practise what we preach. People come with delegations because they want to see their names in the newspapers or they want to see themselves on the television.

Therefore my appeal to the nation is this. So far as children's welfare is concerned, those who preach about their welfare in this country, should also do it in actual practice. If that is done, I am sure that the problem of child labour in this country can be solved to a great extent.

With these words, I once again thank the Hon. Members for having supported this Bill and I earnestly appeal to Shri Piyus Tiraky that instead of graciously opposing this Bill, he can graciously agree to it.

MR. CHAIRMAN : The question is :

"That the Bill to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments, as passed by Rajya Sabha, be taken into consideration",

The motion was adopted.

MR. CHAIRMAN : The House will now take up Clause by Clause consideration of the Bill.

Clause 2 (Definition)

SHRI K. RAMACHANDRA REDDY (Hindupur) : I beg to move :

'Page 2, line 1, —

for "Fourteenth" substitute "Sixteenth". (1)

Mr. Chairman, Sir, this is with regard to the definition of the age of a child. The age of a child has been defined here as one who has not completed the age of 14. I want this to be changed to 16 years. The reason is very obvious. In this very Session, itself you have passed the Juvenile Justice Act, where the age of a child is defined as 16 years. In 1948, the Minimum Wages Act was passed. There the age of the child has been defined as 15 years. In the Plantations Labour Act of 1951, the age of a child was defined as 15 years. In the Merchant Shipping Act, 1958, the age of a child was defined as 15 years. In the Motor Transport Workers Act, 1961, the age of a child was defined as 15 years. So when you come forward with a Bill of this type, how do you get the right to reduce the age of a child from 15 years or 16 years to 14 years. If at all you want to

change the status of a child, it must to his advantage and not to his disadvantage. So I request the Minister to accept this Amendment and have the age of a child as 16 years not 14 years.

SHRI P. A. SANGMA : Sir, we had gone strictly, according to the Constitution of India, under Article 24, wherein it has been defined as 14 years. So I cannot accept this Amendment.

MR. CHAIRMAN : Are you withdrawing your Amendment ?

SHRI K. RAMACHANDRA REDDY : No, I am not withdrawing it.

MR. CHAIRMAN : Now I will put the Amendment moved by Shri K. Ramachandra Reddy to the vote of the House.

Amendment No. 1 was put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : There are amendments to Clause 3 by Shri Shantaram Naik, Shri Syed Shahabuddin and Shri Mool Chand Daga. The Hon. Members are not moving their Amendments.

The question is :

"That Clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN : Dr. Datta Samant is not here to move his Amendment. Now we will go to Clause 4. Shri D. B. Patil is not here to move his Amendment to Clause 4. The question is :

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Child Labour Technical Advisory Committee)

MR. CHAIRMAN : Shri Shantaram Naik is not here to move his Amendment.

Shri Mool Chand Daga is not moving his Amendment. Shri D. B. Patil also is not here. Shri K. Ramachandra Reddy.

SHRI K. RAMACHANDRA REDDY
(Hindupur) : I beg to move :

"Page, 2, line 48,—

add at the end—

"and the Chairman should either possess a degree in law or should be a retired judge and the rest of the members should have experience in matters concerning the children," (2)

"Page 3,—

after line 12, insert—

"(6) The period of membership of the Committee shall not exceed two years " (3)

The Act contemplates that there will be a Child Labour Technical Advisory Committee. There is likely to be a Chairman and also 10 Members in the Committee. The qualifications of the Chairman and the Members have not been defined. That is why I have given this Amendment and the Chairman should either possess a Degree in Law or should be a retired judge and the rest of the Members should have experience in the matters concerning children. Here, the purpose of the Amendment is that the Chairman should have at least some legal background so that he may understand the problems and then deal with them effectively and the other thing is that they should have at least some social background. They should have worked in some social organisation which should be dealing with children so that they may understand the psychology of the children and their problems. So, I think the Minister may accept this Amendment.

SHRI P. A. SANGMA : No.

(*Interruptions*)

SHRI K. RAMACHANDRA REDDY :
My second Amendment...

(*Interruptions*)

MR. CHAIRMAN : No. That is all. Are you going to withdraw them.

SHRI K. RAMACHANDRA REDDY :
No, I am not withdrawing them.

MR. CHAIRMAN : I now put amendments No. 2 and 3 moved by Shri K. Ramachandra Reddy to the vote of the House.

Amendment Nos. 2 and 3 were put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 5 stand, part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

MR. CHAIRMAN : Clause 6. The question is :

"That Clause 6 stand part of the Bill."

The motion was adopted

Clause 6 was added to the Bill.

Clause 7—(Hours and Period of Work)

MR. CHAIRMAN : Mr. Ramachandra Reddy, are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY :
Yes. I beg to move :

Page 3, line 23,—

after "one hour" insert—

"at a place of his choice" (4)

A weekly holiday is to be given. The employer is expected to maintain a register. In the register, he has to give so many other particulars, viz the age of the child, the actual work he is doing etc.; but the register does not contain information as to when the weekly holiday is given to the child.

I want this amendment to be accepted, because even if the child is given a weekly holiday, there is no way by which the Inspector would come to know of it. So, the register should indicate when the holiday was given.

MR. CHAIRMAN : It can be provided for in the rules.

SHRI P. A. SANGMA : It is a matter of rules. So, I do not accept the amendment.

MR. CHAIRMAN : Mr. Reddy are you withdrawing it ?

SHRI K. RAMACHANDRA REDDY : Yes.

MR. CHAIRMAN : Has Mr. Reddy the leave of the House of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 4 was by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That Clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

MR. CHAIRMAN : Clause 8. Shri Shantaram Naik is not here. The question is :

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

MR. CHAIRMAN : Clause 9. Mr. Datta Samant is not there. Mr. Daga is not here; Mr. D.B. Patil is also not here. The question is :

“That Clause 9 stand part of the Bill.”

The motion was adopted.

Clause 9 was added to the Bill.

MR. CHAIRMAN : Clause 10. Mr. Shantaram Naik is not here. The question is :

“That Clause 10 stand part of the Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

MR. CHAIRMAN : Clause 11. Mr. Reddy are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY : I have already spoken on it. I am not moving.

MR. CHAIRMAN : The question is :

That Clause 11 stand part of the Bill.”

The motion was adopted.

Clause 11 was added to the Bill.

MR. CHAIRMAN : In his amendment, Shri Datta Samant has given notice of a new Clause, viz. 11A. But he is not here.

MR. CHAIRMAN : Clause 12. Shri Shantaram Naik is not here. The question is :

“That Clause 12 stand part of the Bill.”

The motion was adopted.

Clause 12 was added to the Bill.

MR. CHAIRMAN : Clause 13. The question is :

“That Clause 13 stand part of the Bill.”

The motion was adopted.

Clause 13 was added to the Bill.

MR. CHAIRMAN : In his amendment, Shri Datta Samant has given notice of a new Clause, viz. 13A. But he is not here.

Clause 14—(Penalties)

MR. CHAIRMAN : Mr. Daga, and Mr. D. B. Patil are not here. Mr. Ramachandra Reddy, are you moving ?

SHRI K. RAMACHANDRA REDDY : Yes. I beg to move :

Page 5, line 30,—

for “ten” substitute “one” (6)

Page 5, line 30,—

for “twenty” substitute “two” (7)

Page 6, line 2,—

for “ten” substitute “one” (8)

I have given the amendments, so that the punishment and fine may be reduced. The

purpose is that even if you make the Act more vigorous, it will certainly not act as a deterrent. It will act only as a breeding ground for corruption among petty officers in charge of the enforcement of the Act. When you make the Act more vigorous and specify punishments like imprisonment and fine, the people concerned will be able to purchase the petty officers. These employers want to escape the punishment. That is why this excess penalty should be reduced from Rs. 10,000 to Rs. 1000 or Rs. 2000.

MR. CHAIRMAN : What about three amendments ?

SHRI P. A. SANGMA : We do not agree with this view. In fact, we want that stringent punishment should be provided for those who are violating the law.

MR. CHAIRMAN : Are you withdrawing them ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : Now I shall put all the amendments moved by Mr. K. Ramachandra Reddy to the vote of the House.

Amendment Nos. 6, 7 and 8 were put and negatived.

MR. CHAIRMAN : There is no amendment to Clause 15.

The question is :

“That Clause 14 and 15 stand part of the Bill.”

The motion was adopted.

Clauses 14 and 15 were added to the Bill.

Clause 16—(Procedure relating to offences)

SHRI K. RAMACHANDRA REDDY : I beg to move :

Page 6, lines 16 and 17—

for “any court of competent jurisdiction” substitute—

“a Court of Magistrate of the first class and the offence shall be

cognizable for which the procedure shall be the same as followed in the cases of summary trials provided for in Cr. P. C.”
(9)

This is with regard to the procedure, Clause 16 says about procedure relating to offences. Actually in this clause the procedure is not enumerated, what is the procedure to be followed; whether it is cognizable offence, who is to investigate. That is why I have given an amendment that it must be “a Court of Magistrate of the first class and the offence shall be cognizable for which the procedure shall be the same as followed in the cases of summary trials provided for in Cr. P. C.” Cr. P. C. provides for three sets of procedure : (1) warrant procedure; (2) summary procedure and (3) summary trials. Instead of relying upon rules the government must come forward and accept this amendment so that it cannot leave this doubt. Then Clause 16 (A) reads as follows :

“Any person, police officer or an Inspector may file a Complaint of the commission of an offence under this Act in any court of competent jurisdiction.”

My point is that this competent authority instead of leaving it for future rules, why don't you say,

“a court of Magistrate of First Class” ?

SHRI P. A. SANGMA : I am sorry, I cannot accept it.

MR. CHAIRMAN : Are you withdrawing it ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : Now I shall put amendment moved by Mr. Reddy to the vote of the House.

Amendment No. 9 was put and negatived.

MR. CHAIRMAN : There is no amendment to clause 17. The question is :

“That clauses 16 and 17 stand part of the Bill.”

The motion was adopted.

Clauses 16 and 17 were added to the Bill.

MR. CHAIRMAN : Clause 18. Shri Syed Shahabuddin is not there. The question is :

‘That Clauses 18 to 22 stand part of the Bill.

The motion was adopted.

Clauses 18 to 22 were added to the Bill.

Clause 23—(Amendment of Act 11 of 1948).

SHRI K. RAMACHANDRA REDDY : I beg to move :

Page 7, line 4,—

for “fourteenth” substitute “sixteenth”
(10)

The definition is given above 14 and below 16. A child has been defined as one who is below 14. Instead of having all these things, you can just have the age of 16, then all these amendments may not be necessary. I request the Minister to consider it.

SHRI P. A. SANGMA : I have already answered that we have gone by the Constitution of India.

MR. CHAIRMAN : Are you withdrawing it ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : Now I shall put the amendment moved by Mr. Reddy to the vote of the House.

Amendment No. 10 was put and negatived.

MR. CHAIRMAN : The question is :

“That Clause 23 stand part of the Bill.”

The motion was adopted.

Clause 23 was added to the Bill.

MR. CHAIRMAN : Clause 24. Are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : The question is :

“That Clause 24 stand part of the Bill.”

The motion was adopted.

Clause 24 was added to the Bill.

MR. CHAIRMAN : Now we come to Clause 25. Mr. Ramachandra Reddy are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : The question is :

“That Clauses 25 and 26 stand part of the Bill.”

The motion was adopted.

Clauses 25 and 26 were added to the Bill.

MR. CHAIRMAN : Now we come to the Schedule. Shri Datta Samant is absent. Shri Mool Chand Daga.

SHRI MOOL CHAND DAGA : I am not moving my amendment.

MR. CHAIRMAN : Shri Shyam Lal Yadav. Not present. The question is :

“That the Schedule, Clause 1, Enacting Formula, and the Long Title stand part of the Bill.”

The motion was adopted.

The Schedule, Clause 1, Enacting Formula and the Long Title were added to the Bill.

MR. CHAIRMAN : The Minister may now move that the Bill be passed.

SHRI NARAYAN CHOUBEY : Just a minute, Sir. He did not reply to my query how the Minister is going to implement it. He gave a good sermon that the entire nation has to implement it. I want to know how he will implement the provisions of this Bill, which though inadequate, we do support.

AN. HON. MEMBER : You adopt one child.

SHRI P. A. SANGMA : I do not have anything to say.

SHRI PIYUS TIRAKY (Alipurduars) : There are a number of instances of child labour in plantation areas. So, I want to know whether the Minister considers it as hazardous or not. Those who are working

in the tea gardens they are also exploited. What is the mind of the Minister? Does he consider it hazardous?

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : Every Honourable Member had a chance to speak, already.

(Interruptions)

SHRI P. A. SANGMA : I beg to move :

"That the Bill, as passed by Rajya Sabha, be passed."

MR. CHAIRMAN : The question is :

"That the Bill, as passed by Rajya Sabha, be passed."

The motion was adopted.

17.42 hrs.

INDECENT REPRESENTATION OF
WOMEN (PROHIBITION) BILL,
1986

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA) : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The Indecent Representation of Women (Prohibition) Bill, 1986 has been brought forward with the intention to prohibit indecent representation of women through advertisements or in any other manner. The term "Indecent representation of women"

has been defined to mean the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory to, or denigrating woman or is likely to deprave, corrupt or injure public morality or morals.

The main intention behind this Bill is to prohibit the indecent representation of women through media, books publications, etc. The thrust given is not purely on obscenity but on the perverse representation of the anatomy of a woman through advertisement or through any other media. The provisions of the section will take effect if it is proved that the indecent representation contained in any advertisement/publication, etc. is likely to deprave, corrupt or injure public morality or morals. The question whether a particular matter is absence has necessarily to be left to the judicial wisdom of the courts.

As the House is aware, we do have provisions covering obscenity in Sections 292, 293 and 294 of the Indian Penal Code. Although these provisions do exist, it was felt that there is need for a separate Act. as the representation of women in publications, particularly in advertisements, which are considered obscene, are on the increase. There have been strong and persistent protests against such depiction of women. The existing provisions of the IPC do cover obscenity but they do not have adequate safeguards against denigration of women and the adverse effect of such references on the status of women. There may be instances, when there is no specific intention to denigrate women but the effect may be created. Mensrea is not necessary in this Bill. It is therefore, considered necessary to have a separate Act to prohibit indecent representation of women.

17.45 hrs.

[MR. DEPUTY SPEAKER *In the Chair*]

I would like to clarify here that we have no intention of curbing the freedom of expression. We have, in fact, in the proposed Bill, made certain specific exemptions like any written or visual material, the publication of which is in the interest of science, art or literature; written or visual