

17.48 hrs.

**CRIMINAL AND ELECTION LAWS
AMENDMENT BILL**

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
VIDYA CHARAN SHUKLA) : Mr.
Deputy-Speaker, Sir, I beg to move :

“That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Representation of the People Act, 1951 and to provide against Printing and publication of certain objectionable matters, as reported by the Joint Committee, be taken into consideration.”

Sir, as this House is aware, this Bill was introduced here in August, 1968. I would not like to take much time of the House in explaining the provisions of the Bill because it was referred to a Joint Committee and it was very thoroughly considered by that Committee and that Committee in its wisdom made good many important changes in the original Bill as it was introduced here.

I would like to remind the House that this measure has arisen out of the deliberations of the National Integration Council which held its session in Srinagar. While considering this matter, they considered various issues as to how the communal situation became explosive in the country and how this situation can be contained. They also expressed serious concern over the emergence of various *senas* in the country.

They recommended that Government should take effective measures to curb the activities of such *Senas*. The House, on many occasions, has expressed its very serious concern over the deteriorating communal situation in the country and it has been urged that Government should take effective steps to see that those few handful of people who incite communal violence and communal hatred should be properly dealt with. The purpose of this Bill is precisely to achieve these aims.

The National Integration Council had recommended that section 153-A of the Indian Penal Code should be amended to provide for punishment of communal activities and they defined communal activities as

‘any activity which promotes or attempts to promote on grounds of religion, race, caste or community or any other ground, whatsoever, feelings of enmity and hatred between different religious or racial groups, castes or communities’. This is the definition that they have suggested for the activities which should be regarded as communal.

They also recommended that the offence should be cognizable and the conviction for this offence should constitute disqualification under the Representation of People Act.

The Council also recommended that the places of worship should not be used to hold meetings which tend to create communal disharmony or ill-will and they also suggested that special measures to prevent and deal with such meetings should be taken by Government.

Another recommendation was that Government should take power to prevent publication of alarming, incorrect and provocative news or of views likely to promote communal ill-will or hatred or disturb communal harmony. They have suggested that this power should be taken on the lines of the provisions of section 2 of the Punjab (Special Powers) Press Act, 1956. This, we have tried to do in this Bill which I have brought before this House.

This Bill, as amended by the Joint Committee, seeks to implement the recommendations of the National Integration Council. I will invite the attention of the House to some Clauses of this Bill.

Clause 2 of this Bill amplifies the scope of section 153A of the Indian Penal Code. In the first place, the scope of this section has been widened to include promotion or attempts to promote feelings of enmity or hatred between different communities on grounds relating to place of birth and residence. Secondly, promotion of disharmony and feelings of ill-will has also been brought within the ambit of the law. Now, with the enlarged ambit, there are good chances of prosecuting and convicting persons who indulge in these nefarious activities to destroy the unity of the country and encourage fissiparous tendencies. It also enhances the punishment to five years if an

offence under section 153-A of I. P. C. were to be committed in a place of worship. That is to say, there is a distinction between an offence committed outside the place of worship and an offence committed inside the place of worship. The Bill, when we originally introduced it, contained a clause which provided for a minimum punishment of imprisonment for two years. The Joint Committee, after considering this provision, advised against such a provision and, therefore, in deference to the wishes of the Joint Committee, this provision has now been deleted from the Bill.

Clause 3 of the Bill gives effect to the recommendataion of the Council regarding rumour-mongering and publication of alarming news and views. Section 505 of the JPC is being amended to include that whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote or which is likely to create or promote feelings of enmity, hatred or ill-will between different communities shall be punished. We are also providing for an enhanced punishment in case this offence is committed in a place of worship.

The Joint Committee while considering this clause was anxious that the press should be given reasonable protection and therefore, it insisted that appropriate provision should be inserted that an exception be made in the case of a person having reasonable grounds for believing a statement etc. to be true and publishing and circulating it in good faith and without any intent to cause ill-will etc. We have accepted this and a proviso has been added to that effect.

Cl. 4 makes offences under Sec. 153-A IPC cognizable. At present, they are non-cognizable. In the interest of speedy action, District Magistrates are being empowered to sanction prosecutions for offences punishable under sections 153-A and 295-A IPC. This is being done because according to the recommendation of the National Integration Council, the District Magistrate and the Superintendent of Police should be made personally responsible for prompt action to prevent or stop communal disturbances.

Cl. 5 carries out the recommendation of

the Council for making offences under 153-A IPC or the amended Section 505-A a disqualification under the Representation of the People Act.

Cl.6 empowers Government to prohibit publication of any matter relating to a particular subject or class of subjects in a newspaper or periodical for a period not exceeding two months. It also provides that where such order has been made, the person concerned can represent to the Central or State Government who would decide the matter after consulting the press consultative committee. If a person disobeys the order prohibiting the publication of any document or any class of documents etc. the Government can order seizure of copies of the publication made in violation of the order and or of any printing press etc. used in publication. The Joint Committee while considering this limited its operation to two months. Previously, the Bill originally introduced did not contain this limiting clause. But after discussion in committee, Government agreed to limit the operation of the order to two months.

As I said, we have been very careful as far as the freedom of the press is concerned and therefore, when a proposal was made to us that we should have a press consultative committee of editors, publishers and journalists for advising Government regarding representations received from a newspaper affected by the prohibitory order, we readily agreed to the suggestion so that there is safeguard against any misuse of this provision.

It is not our case that a sense of national oneness will be brought about as a result of the enactment of the proposed legislation. We recognise that it is only in the minds and hearts of men that an enduring sense of national unity and oneness can take root and flourish. For promoting this, efforts in other directions are necessary. These are what may be called positive efforts in the field of education, mass media of communication in political and social affairs. But it is equally important that a few of those who create difficulties in our national and community life by their words or action which cause misery to hundreds and thousands of people should be prevented from doing that kind of thing and they should

[Shri Vidya Charan Shukla]

be deterred. We believe that such a measure will powerfully assist constructive forces of amity and goodwill to assert themselves.

I commend the Bill for the consideration of the House.

18 hrs.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Representation of the People Act, 1951, and to provide against printing and publication of certain objectiona-

ble matters, as reported by the Joint Committee, be taken into consideration.”

There is a motion for circulation by Shri O. P. Tyagi. He is not present in the House.

SHRI S. M. BANERJEE (Kanpur) : Mr. Tyagi never know that this Bill would be taken up at the fag end of the day.

MR. DEPUTY-SPEAKER : Then, the motion has been made for consideration. The House stands adjourned.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, July 24, 1969/ Srayana 2, 1891 (Saka).