

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

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1953

**HOUSE OF THE PEOPLE**

Friday, 12th March, 1954

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The House met at One of the Clock

[Mr. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I).

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2 P.M.

**CONVICTION OF SHRI BHAJAHARI  
MAHATA**

**Mr. Speaker:** I have to inform the House that I have received the following communication from the Magistrate 1st Class, Purulia. This is the second communication which I have received in respect of a second conviction.

“In continuation of my letter No. 98 dated the 22nd January, 1954, I am to inform you that I have convicted Sri Bhajahari Mahata, M.F. and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs. 1000 in default to undergo simple imprisonment for three months under section 9(5) of the Bihar Maintenance of Public Order Act, 1949, today. He has been placed in class I.”

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3 P.S.D.

1954

**PAPER LAID ON THE TABLE**

REVISED BUDGET ESTIMATES FOR 1953-54  
AND BUDGET ESTIMATES FOR 1954-55 FOR  
THE EMPLOYEES STATE INSURANCE COR-  
PORATION.

**The Deputy Minister of Labour (Shri Abid Ali):** Sir, I beg to lay on the Table a copy of the revised Budget Estimates for the year 1953-54 and Budget Estimates for the year 1954-55 of the Employees State Insurance Corporation, under section 36 of the Employees State Insurance Act, 1948. [Placed in Library. See No. S—69/54.]

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**PRESS (OBJECTIONABLE MATTER)  
AMENDMENT BILL—contd.**

**Mr. Speaker:** The House will now proceed with further consideration of the following Motion moved by Dr. Katju on the 10th March, 1954, namely, “That the Bill to amend the Press (Objectionable Matter) Act, 1951 be taken into consideration.” Out of the total allotted time of twelve hours, the House has taken till now nine hours, or to be exact, eight hours and fifty-nine minutes. The time available now is therefore only three hours, of course, for all the stages. Out of that we will get two and a half hours today, from now to half past four, and half an hour tomorrow. Dr. Katju will now continue his reply.

**Shri Veeraswamy (Mayuram—Reserved—Sch. Castes):** I want to raise a point of order. Sir. Yesterday, during the course of the speech, the

[Shri Veeraswamy]

hon. Minister casually mentioned some paper in the South which contained an article to incite the people to commit murder. He did not mention the name of the paper, but he mentioned "Dravidian" and one hon. Member on the other side said "Dravida Kazhagam". I want to know the name of the paper and also I insist that the hon. Minister place it on the Table of the House.

**Mr. Speaker:** This is hardly a point of order. I do not think I will deal with it any more.

**Shri Veeraswamy:** I want to know from the.....

**Mr. Speaker:** Order, order. Will the hon. Member resume his seat? He may want to know many things, but it is not necessary for me to give him the facilities of knowing them. It is not a point of order but he wants to have some other information. I do not want to encourage that.

**The Minister of Home Affairs and States (Dr. Katju):** Mr. Speaker, when the House rose yesterday, I was dealing with one particular aspect of this Bill, namely, that it was all through a judicial process. This is an important matter, because time and again reference was made to me and to my conduct in relation to the Preventive Detention Act. The slogan raised was that that was detention without trial, something extremely obnoxious.

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

But, here is a demand of security, or action being taken after trial. And yet the House is not satisfied. I do not want to detain the House more on this—what I may call the judicial aspect—but it is desirable to emphasize that all the Acts which are referred to in section 3 of this Press Act deal with criminal offences—not mere matters of expression of opinion or political comments or anything like that. They are matters of criminal offences which are al-

ready punishable under various sections of the Indian Penal Code—section 292 relating to obscene matters; section 153(a) relating to causing enmity between different classes of the community; section 131 trying to seduce the loyalty of the Armed Forces of the State; section 505 trying to create an atmosphere of violence and all that. I say with confidence that every one of the six clauses which you find in section 3 deals with criminal offences and has nothing to do with political parties, nothing to do with expressions of political opinion, and does not in any way curtail the opinion of the citizen or the freedom of the Press to comment in as strong a language as they like upon political activities and other matters of political importance. But I think you will agree with me that there can never be any freedom either in a citizen or freedom in the Press to advocate crimes—commission of crimes—or to encourage conduct which is criminal. I leave this matter there.

My hon. friend from Calcutta said about forfeitures of books or other printed matter which contains objectionable matter, and he said: "Where is the judicial procedure about this? Look at it." Now, that is dealt with by section 11, and, Mr. Deputy-Speaker, you will remember that in the previous legislation on this point, executive discretion was supposed to be good enough for initiating proceedings. Here in section 11 Parliament said in 1951 that would not be enough, you must have a sort of certificate from your Law Officer—the Attorney-General, so far as the Central Government is concerned, or the Advocate-General so far as the State Governments are concerned. There must be a certificate from them, an expression of their opinion—they are not Government servants—that *prima facie* these books and leaflets and newspapers do contain objectionable matter. It is only after lawyers of eminence, (who are appointed Attorney-General and Advocate-General,

who are supposed to give their opinion after due circumspection and very careful consideration,) have given their opinion that action can be taken. Well, you take action. The judicial process is not necessary there because the very object will be defeated. The action may be demanded urgently. But the House will remember that under section 24 of the Act there is liberty given to the person, whose literature or whose books have been forfeited, to move the High Court—and I remind the House of the language in this Act and in the previous Acts. In the previous Acts it was said that the burden was upon the man whose books had been forfeited to show that from cover to cover there was not one word which could be considered to be objectionable matter. That particular clause has now been removed, and as soon as an application is made, complete discretion is given to the High Court to do whatever it thinks fit—cancel the order, confirm the order, modify the order, do whatever it likes. Therefore, I suggest to you that it is patent on the face of the Act that it is not abnormal action. It is very carefully considered judicial process.

I shall come to the amendments and the jury trial a little later on.

A good deal has been said on the fact that I have not quoted instances to show how the Act has worked. I did give instances, and perhaps hon. Members did not attach sufficient weight to that. I shall mention the figures now.

Section 3 of the Act has been divided into two compartments. Sub-clause (vi) deals with what we may call obscene matters, while sub-clauses (i) to (v) deal with incitement to violence, murder, seducing the loyalty of the armed forces &c.

I have got with me here the figures for the period beginning from the 1st February 1952 when the Act came into force, right up to 31st October 1953. Under Section 3(vi), proceedings were launched suggesting the taking of security, in 53 cases,

covering a period of eighteen months. Out of these, security was demanded by the sessions judge, viz. the action was confirmed in 13 cases. The complaint of the State Government was dismissed in 4 cases. Government themselves dropped the action and withdrew the complaint in 2 cases, and there are undecided cases still pending, which number 34.

One after another, the State Governments have said that the procedure is exceedingly dilatory, and that this judicial process takes an enormous length of time. I shall deal now with what I had intended to do, but what I had refrained from doing earlier. But the House will remember that out of these 53 cases, only 17 have been decided, while 34 are still pending.

Under sub-clauses (i) to (v) of section 3, there were altogether 33 cases. Out of these, one was disposed of by the sessions judge, after administering a warning. In the case of 3, security was demanded. In 16 cases, the court held there was no sufficient cause for demanding a security—I am not in a position to say whether the matter was considered objectionable or not, but security was not demanded. 13 cases are still pending. This means, out of a total of 86 cases, 47 are still pending in the court.

Then comes action under section 11 relating to forfeiture of documents containing objectionable matter. In pursuance of the action under sub-clauses (i) to (v) of section 3, 15 documents were forfeited—news-papers or periodicals. In pursuance of the action under section 3 (vi), 33 were forfeited. So, out of 86 cases in which action was taken by launching prosecutions, in 48 cases the books or newspapers were confiscated.

I would say that the action taken was very cautious. The State Governments have complained that they would rather do away with this thing, and that they would rather not take any action, except in most urgent and

[Dr. Katju]

emergent cases. They have said that even though the matter is urgent, and security should be taken, nothing is done, and simply time elapses, because these judicial proceedings are dilatory.

I do submit, Sir, that when my hon. friends asked me 'What is the material', I gave the figures. I have given you the details. Now, we have 86 plus 48. You cannot expect me to lay all those papers on the Table of the House. These are judicial cases. One of my hon. friends rose just now and said something about Dravidian newspapers. He asked: what is the material? Now, it so happens, Sir, that as I was coming here today, just now, I got from my office a sheet—I do not know Tamil but I will send it to you.

**Shri Veeraswamy:** I will read it out, Sir.

**Dr. Katju:** This is for the purpose of being laid on the Table of the House.

**Mr. Deputy-Speaker:** He may hand it over.

**Dr. Katju:** I have got the translation. This is a cutting from a Tamil newspaper—if I can pronounce the name rightly—*Dina Tanti*.....

**Mr. Deputy-Speaker:** *Dina Tanti*. 'Dina' means daily and 'Tanti' means telegraph, i.e. 'Daily Telegraph'.

**Shri Veeraswamy:** It is not a *Dravida Kazhagam* newspaper.

**Dr. Katju:** It does not matter. This is dated the 25th February 1954, and the gist, according to my comprehension, is that "if the demand for Dravidistan is not granted, a certain individual"—whose speech is reported—"would invade North India from the South at a time when India is embroiled in a struggle with Pakistan. Pandit Nehru should send an individual to negotiate for the formation of Dravidistan immediately" and something of that sort running to one big column. Now, do hon.

Members like it? Is it suggested that the freedom of the Press should be allowed to reach this extent?

**Shri Velayudhan** (Quilon cum Mavelikkara—Reserved—Sch. Castes): What are the contents of it? We cannot understand.

**Mr. Deputy-Speaker:** It reads like this.

• "Vada India meedu padai eduppom"

"We are going to invade Northern India....."

**Shri Jaipal Singh** (Ranchi West—Reserved—Sch. Tribes): That has already happened.

**Dr. Katju:** Now, that is one thing.

**An Hon. Member:** They have already invaded the Delhi Secretariat.

**Dr. Katju:** There is another paper. I shall lay it on the Table if I can get it, but I have got the translation. Here again, the name is '*Viduthalai*'.

**Mr. Deputy-Speaker:** *Viduthalai* means 'release'!

**Dr. Katju:** It says:

"Is there any heroism in breaking these brass gods". There is a movement, I am told, of breaking images—a very non-violent, patriotic thing! Then the speaker says:

"What should we raid? Shall we not raid the Government at Delhi?"

**Shri S. S. More** (Sholapur): Yes.

**Dr. Katju:** "Shall we break the Government at Delhi?"

**Babu Ramnarayan Singh** (Hazari-bagh West): Very nice.

**Dr. Katju:** "How can G. D. Naidu expect that this thoughtless demonstration of breaking images will have any effect on the authorities? Instead of breaking these images with hammers, would it not be better for every

one of us to take a pair of scissors and cut the tufts of Brahmins?" (*Interruptions*). This is preaching non-violence, a patriotic endeavour outside Parliament!

**Pandit Balkrishna Sharma** (Kanpur Distt. South cum Etawah Distt.—East): Beware, Dr. Khare.

**Dr. N. B. Khare** (Gwalior): My tuft is not there. (*Interruptions*).

**Dr. Katju:** My hon. friend Dr. Khare is taking advantage of his baldness!

"Why should we not arise against our oppressors, namely, the Government of the Northerners? What is the Northerner's business here; why should we permit him here; why should we permit his Banks here; and, similarly, why should we permit a single Brahmin here?"

And so on.

This is the sovereign Parliament; I think there are many Tamil Members. I do not know what they say about it.

Then, here is another choice sentence—I do not want to take up the time of the House—which says:

"If in Burma it was possible to shoot to death ten Ministers, would it not be possible here, in South India, to shoot Ministers? What injustice! The Government has been seized by Brahmins through wickedness, evil design, and dishonesty and the rulers behave without restraint. This rule has, however, been called Democracy and 'people's rule' by our Hanuman."

Then comes another choice sentence at the end. This is not a matter for laughter. You are taking it very lightly. I think my hon. friends share these sentiments.

**Shri S. S. More:** The Congress people are laughing more than we.

**Dr. Katju:** "We would not mind however great the pain is; we shall fight with daring and see that heads roll."

I would ask every hon. Member with a sense of proper perspective and a little seriousness for the integrity of this country as to what action should be taken in cases like this.

**Several Hon. Members:** Ignore them.

**Dr. Katju:** Can it be said that if Government takes action to demand security it is wrong? I submit, it is the most merciful or lenient action.

**Mr. Deputy-Speaker:** Has any action been taken against these papers?

**Dr. Katju:** This is dated 31st January, 1954.

Therefore, I say all this is happening and we have to guard against them. I am rather sorry, I do not see Mrs. Sucheta Kripalani here; I imagine there are several members of the Praja Socialist Party present in this House. I should like to read a sentence or two. If I were to use that language, probably it would not appeal to them, but, it does come from one of their leaders—a most respected leader—and what does he say?

**Shri S. S. More:** What is his name?

**Dr. Katju:** Let me read him first and let me see what re-action there is first; then, I will give the name. This leader says:

"Today the world was passing through a crisis. There was all round discord and disorder, chaos and conflict in human affairs. Great upheavals were shaking the foundations of the present order, wrecking old values and fashioning new."

**An Hon. Member:** Very progressive.

**Dr. Katju:** Who has used this language? Acharya Narendra Deva.

**Shri M. S. Gurupadaswamy** (Mysore): On a point of order. May I know whether speeches delivered regarding certain other issues may be made a justification for this Bill?

**The Deputy Minister of Communications** (Shri Raj Bahadur): It is an expression of the state of affairs.

**Mr. Deputy-Speaker:** It is a matter on all fours in this Parliament on this 12th day of March. They can only quote something which is relevant and this seems to be relevant.

**Dr. N. B. Khare:** This is the same Acharya Narendra Deva who has been elected to the Council of States by the Congress.

**Shri T. N. Singh** (Banāras Distt.—East): Is it permissible to make any insinuation like this against a person who is not present here?

**Mr. Deputy-Speaker:** Let the House come to the point; let the Minister proceed.

**Dr. Katju:** There are so many points of order, or points of interruption mis-named points of order. I ventured to submit to the House yesterday and also the day before when I opened the debate that today the condition is very grave. I do not want to go over the same ground again and again, internationally, nationally and patriotically and all that sort of thing. We have to protect ourselves. When I read this last night I came across this. I have been trying to put in my own infirm language what has been beautifully put by a great orator and I think I better read it.

**Shri Sarangadhar Das** (Dhenkanal-West Cuttack): If Acharya Narendra Deva is quoted in this context, does he advocate the passing of this Bill?

**Dr. Katju:** You had better ask him.

**Mr. Deputy-Speaker:** Order, order. Will the hon. Minister kindly address the Chair?

**Dr. Katju:** That is the position on this Bill. I have got instances of

cases that have been lodged, and one is rather relevant on the point of the modification which is sought to be made for the jury trial. One hon. friend became very eloquent and said that the power from the jury is being taken away. What is the general law of the land? The general law is that, while the trial is proceeding, the jury is the judge of facts, and the judge is the judge of law. He directs the trial as to what evidence is admissible or not admissible and so on, but the jury's function is to pronounce as to whether the accused is guilty or not guilty and then the jury walk out—they become *functus officio*. The question as to what should be the punishment, whether the accused should be discharged with a warning, or whether the imprisonment should be till the rising of the court or whether there should be a farthing fine or whether the punishment should be 20 years and Rs. 20,000 fine, is the function of the judge. In this Act what we find is something extraordinary. When the then Home Minister inserted that provision, he probably did not realise what might happen and he said that the jury was to become not only the judge of facts, namely, whether the matter was objectionable or not, but the jury was also to see as to what should be the punishment. I submit that, of course, Parliament has done so and Parliament is entitled to do whatever it likes, but it is opposed to all precedents; it is opposed to the system followed in countries where jury system prevails. I have now inserted in the Bill a provision clearly demarcating the functions of the jury and the functions of the judge, and I have been led to make this proposal before the House because of the experience gained. My hon. friend, Shri Chatterjee, who is here, spoke about Delhi cases. There was one case which caused me the greatest pain, but I would not name the newspaper and would not give it undue publicity. There was a short paragraph in it which stated that an

Indian Ambassador, accredited to a country, was a man whose conduct required investigation.—I am using the words in that paragraph—that he had raped a woman, had abducted her and afterwards had undergone a due process of marriage. The paragraph ended by saying “this requires investigation.” Is it correct? It is a most abominable stuff, wholly false, and not a word of it is true. The people had been happily married for about twelve years. A complaint was lodged and the jury after investigation said that it was an objectionable matter and being judge of law also, it said that no action need be taken. Can we imagine a thing like this?

**Shri Sadhan Gupta** (Calcutta South-East): I rise on a point of order. The hon. Minister is casting a reflection on the jury who gave their verdict in a case. The jury had the right to decide not only as to whether it was an objectionable matter, but also whether there was sufficient ground for taking action against the party concerned. We cannot reflect on the character of the judges, and so in this case, could the hon. Home Minister reflect on the way the jury had dealt with it?

**Pandit Balkrishna Sharma:** The jury had behaved shamelessly.

**Mr. Deputy-Speaker:** Let there be no reflection on anybody. The jury is part of the judicial system. I have heard the point of order. There is a small difference which the hon. Member who raised it has not noticed. There is absolutely no reflection on the jury or their impartiality—nothing whatever. This is what has happened. The procedure of clothing the jury with dual functions—which is not quite natural in all the other courts—of deciding on facts as also pronouncing judgment is novel to this Act. The experiment has been tried for a couple of years. The hon. the Home Minister now says that this has not worked properly and therefore there is need to separate and take away that function from the jury and give it to the judge as is the case in all other criminal trials.

We are entitled to observe from time to time as to how courts interpret; and according to the best lights, in the interest of the community, it is for Parliament to decide whether we should continue a law which was enacted, or modify that law. In trying to persuade Parliament to modify a law, the manner in which the law has worked is quite relevant.

**Dr. Katju:** When the measure was before Parliament on the last occasion, some hon. Members at least said they did not want any professional juries at all, and that they wanted common jurists. If that is the intention, they might be appointed. But whether you get a common jury, or a professional jury, I submit that proceedings like this are not to be put on a pedestal of their own. Either you have the jury system or you do not have the jury system. A Bill, I think, is now before the House seeking to abolish the jury system. But if you have the jury system, then I ask, why should there be any discrimination between a jury sitting upon this matter which is not of very vital importance—as to whether a man should give a security of Rs. 2,000 or more—and a jury which sits on a murder trial, where a question of life and death is involved. Everybody knows that in a criminal trial the life of a jury comes to an end when it pronounces its verdict—guilty or not guilty. The question of sentence is always left to the judge. I think it would be really imposing an undue burden upon the professional jury of this kind to leave to them the responsibility of saying what the sentence should be. It is not a reflection on any jury at all. I only say that the procedure must be brought in conformity with the existing procedure in relation to all criminal cases. I am certain that the House would not share the view that criminal proceedings under the Press (Objectionable Matter) Act stands on a footing of exceptional importance and therefore Sessions Judges and High Courts cannot be trusted to pronounce the sentence. What is the sentence—

[Dr. Katju]

if it is an objectionable matter whether it should be Rs. 1,000 security, whether it should be a warning or whether there should be Rs. 2,000 security? It was from that point of view that this amendment has been proposed; there is no sinister motive behind it at all. That is one thing.

Then comes the right of appeal. I do not know what my hon. friends have discovered in it. I come back to it again. Do you want to treat this proceeding as a class apart? Under the Criminal Procedure Code, rightly or wrongly, for the last hundred years the practice has been that in the case of a jury trial there is an appeal—appeal on facts. The High Courts have said over and over again that unless and until it is proved to their satisfaction that the verdict is perverse, that no sane man could arrive at that verdict, they would uphold it. Not only for every citizen who goes into the dock but also for the Government the right of appeal is there. Are you going to say that the so-called freedom of the Press is such a sacred right that while in cases of persons who are being tried for their life Government may have an appeal against them, against acquittal—the Press people should not have it? I say this is again an example of discrimination; quite contrary to the spirit underlying the Constitution. As I said it is rather curious. This paper—I am referring to the *Leader* paper from Allahabad which I generally read at night—I read it yesterday night.....

**Mr. Deputy-Speaker:** What is the hon. Minister's suggestion? Shall we adjourn to the night?

**Dr. Katju:** I got that admirable passage from Acharya Narendra Deva. And then see these banner headlines—"Government appeal against acquittal allowed"—quite a coincidence. Then referring two Judges of the High Court setting aside the order of acquittal passed by the Sessions Judge of Gorakhpur and so on...

sentencing the accused respondent to death. They said that the Sessions Judge's judgment was entirely wrong. Remember it. Then, another column—it is really perverse—"Verdict of jury set aside—that is another case. As I said either you have the Criminal Procedure Code amended.....

**Pandit Thakur Das Bhargava** (Gurgaon): The hon. Minister is looking towards me; may I submit for his consideration.....

**Dr. Katju:** You do not submit anything now; let me finish.

**Mr. Deputy-Speaker:** I would only suggest to hon. Members not to take that merely because the hon. Minister turns to one side, that hon. Member is being addressed; he turns to all sides.

**Pandit Thakur Das Bhargava:** He is replying to what I said. This Criminal Procedure Code does not countenance any appeal in prevention cases; it is impossible to cite any instance of provision for appeal by Government from anywhere in the world in preventive cases.

**Dr. Katju:** My hon. friend, I am very sorry to say this, sometimes goes quite off the track. Here is a case under this Act. The proceedings are started on a complaint. They are tried under certain—what is called—summons process. A right of appeal is given. Is the right of appeal given against security cases? I do not know; probably there may be a revision or something. But it is a judgment and the judgment is Rs. 2,000 security, or release. My hon. friends said; appeal against acquittal is barbarous, is inhuman and should be done away with.

Some hon. Members there were blown off their feet by anger against appeals against acquittal: it is an uncommon feature; get rid of it. But why make a distinction in this particular case, in this small matter? I say this again, that experience has shown that



sometimes very mild views are taken. I do not blame anybody, neither the judge nor the jury. But I do say that there should be no distinction recognised between this type of case and millions of other cases. That is the justification for approving this. There is no sinister object at all. The object is that justice might be done. While there is the interest of the accused to be protected, there is also the interest of the Government to be protected. I do not want to take any further time. I shall.....

**Shri U. M. Trivedi (Chittor):** On a point of information.....

**Some Hon. Members:** No information.

**Mr. Deputy-Speaker:** The hon. Member does not give in. (*Inter-ruption*). He nodded his head against. We have spent sufficient time over this. If the hon. Member has not been enlightened so far he will not be enlightened now.

**Shri U. M. Trivedi:** It is not that he has not enlightened me because there is nothing for him to enlighten me. I can enlighten him on many matters.

**Mr. Deputy-Speaker:** In either case this interruption is useless.

**Dr. Katju:** Sir, there is an old saying—I do not apply it to my learned friend—which says: I can give only reasons, I cannot give under standing.

I want to conclude this speech of mine by saying that we have got a good Press, we are most anxious to preserve the freedom of the Press. I want to protect it from its own producers. (*Shri Frank Anthony:* God save us from our protectors). And I want to see that the Indian Press does not become in any way the vehicle for advocating violence, murder, overthrow of the government, sabotage, seducing the loyalty of the armed forces, creating discontent amongst people, creating a sense of enmity between different classes. I am doing something for their benefit.

I say to you, Sir, with a sense of great responsibility that this is the mildest Act imaginable. Of course my hon. friends may hold other opinions. Who are the people? The writer, the publisher, the printer. All the three of them, collectively or individually, can be prosecuted in a court of law for publishing matter which is enumerated in section 3. I make a fair offer. Do you want prosecution or this? It is not a question of suppression of any political opinion. That is my submission before you.

Then my hon. friend said eloquently that journalists are being treated like a criminal tribe. I think this assertion was made in a spirit of levity. It should never have been made. If security is demanded from a publisher, I have not been able to understand how the working journalists suffer; if security is demanded from the keeper of a press, how people who make their bread by writing in the newspaper suffer at all.

There are many other amendments which have been tabled. I respectfully submit that the House may go into them. I have read them and considered them. But really, it will be very difficult to accept any one of those.

**Mr. Deputy-Speaker:** I will put the amendment to the vote of the House. The question is:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th March, 1954.”

*The motion was negatived.*

**Mr. Deputy-Speaker:** I will now put the motion for consideration to the vote of the House. The question is:

“That the Bill to amend the Press (Objectionable Matter) Act, 1951, be taken into consideration”.

*The House divided; Ayes, 226; Noes, 67.*

## AYES

[ 2-55 P.M.]

## Division No. 4 ]

Achal Singh, Seth  
Achint Ram, Lala  
Achuthan, Shri  
Agarwal, Shri S. N.  
Agrawal, Shri M. L.  
Ajit Singh, Shri  
Akarpuri, Sardar  
Alagesan, Shri  
Altekar, Shri  
Asthana, Shri  
Azad, Shri Bhagwat Jha  
Balasubramaniam, Shri  
Balmiki, Shri  
Bansal, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Bhakt Darshan, Shri  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Dass  
Bhatt, Shri C.  
Bhawani, Shri  
Bhonsle, Shri J. K.  
Bidari, Shri  
Birbal Singh, Shri  
Bose, Shri P. C.  
Brajeshwar Prasad, Shri  
Chanda, Shri Anil K.  
Chandak, Shri  
Chandrasekhar, Shrimati  
Charak, Th. Lakshman Singh  
Chatterjee, Dr. Susilranjan  
Chaturvedi, Shri  
Chaudhary, Shri G. L.  
Chaudhuri, Shri R. K.  
Chavda, Shri  
Chettiar, Shri T. S. A.  
Choudhuri, Shri M. Shaffee  
Dabhi, Shri  
Damar, Shri  
Das, Dr. M. M.  
Das, Shri B. K.  
Das, Shri Beli Ram  
Das, Shri N. T.  
Das, Shri S. N.  
Datar, Shri  
Deb, Shri S. C.  
Deshpande, Shri G. H.  
Dholakia, Shri  
Dhulekar, Shri  
Dhusiya, Shri  
Dube, Shri Mulchand  
Dube, Shri U. S.  
Dubey, Shri R. G.  
Dwivedi, Shri D. P.  
Dwivedi, Shri M. L.  
Elayaperumal, Shri  
Gandhi, Shri Feroze  
Gandhi, Shri M. M.

Ganpati Ram, Shri  
Garg, Shri R. P.  
Gautam, Shri C. D.  
Ghulam Qader, Shri  
Gopi Ram, Shri  
Gounder, Shri K. P.  
Govind Das, Seth  
Gupta, Shri Badshah  
Hari Mohan, Dr.  
Heda, Shri  
Hem Raj, Shri  
Hembrom, Shri  
Hyder Husein, Ch.  
Ibrahim, Shri  
Iyyani, Shri E.  
Iyyunni, Shri C. R.  
Jain, Shri A. P.  
Jajwate, Shri  
Jangde, Shri  
Jatav-vir, Dr.  
Jayashri, Shrimati  
Jena, Shri Niranjan  
Jhunjhunwala, Shri  
Joshi, Shri Jethalal  
Joshi, Shri Krishnacharya  
Joshi, Shri Laladhar  
Joshi Shri, M. D.  
Joshi, Shri N. L.  
Joshi, Shrimati Subhadra  
Kakkan, Shri  
Kasiwal, Shri  
Katham, Shri  
Katju, Dr.  
Keekar, Dr.  
Khongmen, Shrimati  
Khuda Baksh, Shri M.  
Kirolikar, Shri  
Krishna Chandra, Shri  
Krishnamachari, Shri T. T.  
Krishnappe, Shri M. V.  
Kureel, Shri B. N.  
Lal, Shri R. S.  
Lallanji, Shri  
Laskar, Shri  
Lingam, Shri N. M.  
Lotan Ram, Shri  
Madiah Gowda, Shri  
Mahtab, Shri  
Majhi, Shri R. C.  
Maitthia, Sardar  
Malliah, Shri U. S.  
Malviya, Shri B. N.  
Mandal, Dr. P.  
Masuodi, Maulana  
Mathew, Shri  
Matthen, Shri  
Mehta, Shri Balwant Sinha  
Mehta, Shri B. G.  
Mishra, Shri S. M.]

Mishra, Shri Bibhuti  
Mishra, Shri L. N.  
Mishra, Shri M. P.  
Misra, Shri R. D.  
Mohd. Akbar, Sofi  
Mohiuddin, Shri  
Morarka, Shri  
More, Shri K. L.  
Mudaliar, Shri C. R.  
Mukne, Shri Y. M.  
Muthukrishnan, Shri  
Narasimhan, Shri C. R.  
Naskar, Shri P. S.  
Natawadkar, Shri  
Nathwani, Shri N. P.  
Nehru, Shrimati  
Neswi, Shri  
Nevatia, Shri  
Palchoudhury, Shrimati Ila  
Pande, Shri C. D.  
Pannalal, Shri  
Paragi Lal, Ch.  
Parikh, Shri S. G.  
Pataskar, Shri  
Patel, Shri B. K.  
Patel, Shrimati Maniben  
Patil, Shri Kanavade  
Patil, Shri Shankargauda  
Prabhakar, Shri Naval  
Prasad, Shri H. S.  
Radha Raman, Shri  
Raghubir Sahai, Shri  
Raghnath Singh, Shri  
Rahman, Shri M. H.  
Raj Bahadur, Shri  
Ram Dass, Shri  
Ram Saran, Shri  
Ramanand Shastri, Swami  
Ramananda Tirtha, Swami  
Ramaswamy, Shri S. V.  
Ranbir Singh, Ch.  
Rane, Shri  
Rao, Diwan Raghavendra  
Roy, Dr. Satyaban  
Roy, Shri Bishwa Neth  
Roy, Shri Patiram  
Rup Narain, Shri  
Sahu, Shri Rameshwar  
Samantha, Shri S. C.  
Sanganna, Shri  
Satyaswadi, Dr.  
Sen, Shri P. G.  
Sewal, Shri A. R.  
Shah Shri, R. N.  
Sharma, Pandit Balkrishna  
Sharma, Pandit K. C.  
Sharma, Shri D. C.  
Sharma, Shri K. R.  
Sharma, Shri R. C.

AYES—*contd.*

Shivnanajappa, Shri  
Shobha Ram, Shri  
Shukla, Pandit B.  
Siddananajappa, Shri  
Singh, Shri D. N.  
Singh, Shri Babunath  
Singh, Shri H. P.  
Singh, Shri L. Jogeswar  
Singh, Shri M. N.  
Singh, Shri T. N.  
Singhal, Shri S. C.  
Sinha, Dr. S. N.  
Sinha, Shri A. P.  
Sinha, Shri B. P.  
Sinha, Shri G. P.  
Sinha, Shri Jhulan  
Sinha, Shri K. P.

Sinha, Shri Nageshwar Prasad  
Sinha, Shri S.  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Tarkeshwari  
Sinhasan Singh, Shri  
Snatak, Shri  
Sodhia, Shri K. C.  
Somana, Shri N.  
Subrahmanyam, Shri T.  
Sunder Lal, Shri  
Suresh Chandra, Dr.  
Suria, Prashad, Shri  
Swaminadhan, Shrimati Ammu  
Syed Ahmed, Shri  
Telkikar, Shri  
Tewari, Sardar R. B. S.  
Thomas, Shri A. M.

Tivary, Shri V. N.  
Tiwari, Shri R. S.  
Tiwary, Pandit D. N.  
Tripathi, Shri K. P.  
Tripathi, Shri V. D.  
Ulkey, Shri  
Upadhyay, Shri Shiva Dayal  
Upadhyay, Shri S. D.  
Vaishnev, Shri H. G.  
Vaishya, Shri M. B.  
Varma, Shri B. B.  
Varma, Shri B. R.  
Venkateraman, Shri  
Vishwanath Prasad, Shri  
Wilson, Shri J. N.  
Wodeyar, Shri

## NOES

Achalu, Shri  
Amjad Ali, Shri  
Anthony, Shri Frank  
Bahadur Singh, Shri  
Banerjee, Shri  
Barrow, Shri  
Basu, Shri K. K.  
Biren Dutt, Shri  
Boovaraghasamy, Shri  
Chatterjee, Shri Tushar  
Chatterjee, Shri N. C.  
Chowdhary, Shri C. R.  
Chowdhury, Shri N. B.  
Das, Shri B. C.  
Das, Shri Sarangadhar  
Deogam, Shri  
Deshpande, Shri V. G.  
Gadlingsna Gowd, Shri  
Gam Malludora, Shri  
Gidwani, Shri  
Giridhari Bhoi, Shri  
Gopalan, Shri A. K.

Gupta, Shri Sadhan  
Gurupadaswamy, Shri M. S.  
Hukam Singh, Sardar  
Jaipal Singh, Shri  
Jayaraman, Shri  
Jena, Shri Lakshmidhar  
Kachiroyar, Shri  
Khardekar, Shri  
Khare, Dr. N. B.  
Krishnaswami, Dr.  
Majhi, Shri Chaitan  
Mishra, Pandit S. C.  
Missir, Shri V.  
More Shri S. S.  
Mukerjee, Shri H. N.  
Murthy, Shri B. S.  
Nambiar, Shri  
Nayar, Shri V. P.  
Pandey, Dr. Natabar  
Patoik, Shri U. C.  
Raghavachari, Shri  
Rameshahai, Shri

Ramnarayan Singh, Babu  
Rao, Dr. Rama  
Rao, Shri P. Subba  
Rao, Shri Mohana  
Rao, Shri Seshagiri  
Rao, Shri T. B. Vittal  
Reddi, Shri Esware  
Reddy, Shri R. N.  
Rishang Keishing, Shri  
Saha, Shri Meghnad  
Shastri, Shri B. D.  
Singh, Shri R. N.  
Sinha, Th. Jugal Kishore  
Somani, Shri G. D.  
Subrahmanyam, Shri K.  
Sunderam, Dr. Lanka  
Swami, Shri Sivamurthi  
Trivedi, Shri U. M.  
Tulsidas, Shri  
Vallatharas, Shri  
Veeraswamy, Shri  
Velayudhan, Shri  
Verma, Shri Ramji

*The motion was adopted.*

**Mr. Deputy-Speaker:** The House will now take up the clause by clause consideration.

**Shri Raghavachari (Penukonda):** Is the recommendation of the Business Advisory Committee binding only on the House or on the Chair also? In fact, we have exhausted much of our time and very little time is left for other stages of this Bill.

**Mr. Deputy-Speaker:** True. Each hon. Member belongs to one party

or the other. The hon. Member belongs to the P.S.P. party. I call Shrimati Sucheta Kripalani, Shri Gurupadaswamy, Shri Vallatharas and so on. Again and again I have to remind hon. Members that they are exceeding their time. Shri Vallatharas goes on speaking for forty minutes and still I have to say that I will hear him for twelve hours. Therefore the entire burden lies on hon. Members and their leaders. The leaders must put pressure on their followers. The question is now

[Mr. Deputy-Speaker]

being put to me whether the recommendation of the Business Advisory Committee is binding on the Chair also. I am naturally bound hand and foot by what the hon. Members do in the House. Let us proceed. It is not as if the hon. Members and leaders have no responsibility over their followers, can allow them to go on speaking, and it is up to me to go on pulling up hon. Members and get all sorts of odium.

3 P. M.

**Shri Raghavachari:** With great respect I have to submit that the point that I mentioned was that the Government was given three-quarters of an hour for reply, and they have taken more than an hour, and a half.

**Mr. Deputy-Speaker:** Every hon. Member exceeded the time, Government also exceeded it.

**Clause 2—(Amendment of section 1).**

**Mr. Deputy-Speaker:** Amendment No. 21 of Mr. K. K. Basu is not in order because it says "It shall come into force on such date, as Parliament by resolution appoint..." whereas it has already come into force. It further says: "...and shall remain in force for a period of one year from the date of its commencement." The Act commenced long ago. This is only an extending Act.

**Amendment No. 10 Mr. Vallatharas.**

**Shri Vallatharas (Pudukkottai):** I am not moving.

**Mr. Deputy-Speaker:** As I understand it, his amendment is that he wants this Act to become perpetual. What is the object of the hon. Member?

**Shri Vallatharas:** No, Sir. Not at all. I am not moving the amendment.

**Mr. Deputy-Speaker:** All right. He does not move.

**Shri N. L. Josai (Indore):** I beg to move:

In page 1,-

(i) in line 6,—for "two years" substitute "a period of two years"; and

(ii) in line 7,—for "four years" substitute "such period as Government think fit".

**Shri N. C. Chatterjee (Hooghly):** I beg to move:

In page 1, line 7—*for* "four years" *substitute* "three years".

**Mr. Deputy-Speaker:** Amendments moved:

In page 1,-

(i) in line 6,—*for* "two years" *substitute* "a period of two year"; and

(ii) in line 7,—*for* "four years" *substitute* "such period as Government think fit".

In page 1, line 7—*for* "four years" *substitute* "three years".

**श्री एन० एल० जोशी :** उपाध्यक्ष महोदय, मेरा संशोधन आपने पढ़ कर सुना ही दिया है, इसलिये मैं उसको समा भवन के सामने पढ़ कर नहीं सुना रहा हूँ। मेरा निवेदन यह है कि जब इस विधेयक पर विचार हो रहा था, उस समय जो विचार व्यक्त किये गये, उनसे यह बात बिल्कुल स्पष्ट हो जाती है कि इस विधान का बनाना बड़ा आवश्यक है। इस के कई कारण हैं। उन में से प्रमुख कारण यह है कि समय समय पर कुछ समाचार पत्रों में जो बातें प्रकाशित होती रहती हैं, उन से यह बात बिल्कुल स्पष्ट है कि वे समाचार समाज में या तो हिंसा का प्रचार करते हैं या देश में और समाज में एक जाति को दूसरी जाति के विरुद्ध भड़काते हैं। जब इस प्रकार के समाचार प्रकाशित होते हैं तो यह बात

बड़ी आवश्यक हो जाती है कि उन पर प्रतिबन्ध लगाया जाय। अगर उनको बिना किसी प्रतिबन्ध के छोड़ दिया जाता है तो उसका परिणाम यह होता है कि देश की शान्ति और सुव्यवस्था को बड़ा भारी खतरा पहुँचता है। इसलिये इस विधान को जैसे कि माननीय गृह मंत्री जी ने आगे बढ़ाने के लिये रखा है, इस विधेयक की मिआद को बढ़ाने का जो प्रस्ताव रखा है, वह मिआद अवश्य बढ़ायी जानी चाहिये।

अब सवाल यह है कि वह मिआद कितनी हो? एक बात जो कही जाती है वह यह है कि यह बहुत गैर मौजू है कि और ज्यादा मिआद इस विधेयक की बढ़ाई जाय। मेरा ख्याल है कि इस की मिआद इस प्रकार बढ़ाने की कोई जरूरत नहीं है। अगर जितने भी अखबार हैं, जितने भी समाचार पत्र हैं, वे यह निश्चय कर लें कि हम कोई भी बात इस प्रकार की नहीं छापेंगे जिससे कि देश में हिंसा का प्रचार हो, या जिससे कि एक जाति के विरुद्ध दूसरी जाति को भड़काने का किसी तरह का कोई लेख हो तो मेरा सुझाव यह है कि गवर्नमेंट कल ही से यह कह दे कि इस विधान को लागू करने की आवश्यकता नहीं होगी। दो साल की मिआद तो बहुत होती है। आज ही अगर देग के तब समाचार पत्र यह निश्चय कर लेते हैं कि ऐसी कोई भी बात वे नहीं छापेंगे तो कल ही शासन इस पर विचार कर सकता है कि एक दिन से भी अधिक इस को और लागू रखना आवश्यक है या नहीं।

इसलिये, उपाध्यक्ष महोदय, मेरा निवेदन यह है कि इस में जो दो साल की मिआद रखी गयी है, उस को न रखते हुये और आगे को बढ़ाने के लिये ४ साल न करते हुये, इस को ऐसे समय तक के लिये रखा जाय कि जिस समय तक के लिये शासन ऐसा करना ठीक था उपयुक्त समझे। इस तरह से जब शासन

यह बात जान लेगा कि इस की मिआद बढ़ाना जरूरी नहीं है, आगे इस तरह के कायदे की आवश्यकता नहीं है, तो उसी समय इस विधान को वह स्थगित कर सकता है। इसी-लिये मैंने यह अपना इस तरह का संशोधन रखा है।

**Shri N. C. Chatterjee:** I want to say only one thing. The Statement of Objects and Reasons says that it is not desirable that the Act should lapse. I take it that it is the decision of the House that the Act should not lapse. The only question before the House is how long it should be extended. The only ground put forward in the Statement of Objects and Reasons is that it is only fair that Parliament should wait till the Press Commission's report is available. That report will be available in the month of May or June 1954. Government can easily make up their minds and formulate their final decision on their recommendations in the month of September or October or November 1954. I am therefore suggesting that there is absolutely no justification for extending the operation of the Act, till 31st January 1956. If you want to have the Act in force at all, if you want to extend the operation of the Act at all, extend it till 31st January 1955, for you will have ample time for the purpose of considering the recommendations, deliberating upon them fully, and finally coming to a conclusion on them. If the Statement of Objects and Reasons is *bona fide*, and if you believe that this is the only good ground for extending this Act, there is no justification for postponing the examination of the issues involved in the light of the recommendations of the Press Commission till the end of 1955 or 31st January 1956. Finalise the whole thing by the end of this year or early in January next year. There is ample time for Government, for this Parliament and for the public at large to make up their minds on the important issues involved.

**Pandit Thakur Das Bhargava:** So far as the question of extension is concerned, my humble suggestion is that it ought to be extended to the minimum possible time. So far as this Act is concerned, if you look to the background and the circumstances under which it was enacted, it would be absolutely clear that it was not meant to meet any emergency. Even now, no case has been made out that there is an emergency and therefore this Bill is required. The life of the Act was restricted to two years, and this period was fixed under the special circumstances of the case. I shall refer you to column 4539 of the Parliamentary Debates, dated 6th October 1951, where the then Home Minister, Shri Rajagopalachari said:

"Let me now answer the question with reference to how long the Bill should be in force. I am quite prepared to accept the two years proposed by Pandit Kunzru and Mr. Shiva Rao, for this reason: it is because that I have made a positive suggestion that they should form their own Council for discipline and they should put it in order, shape it, and ask Government to get statutory powers for that body, and Government will have to get through a Bill to that end."

A new Bill was contemplated then, and he said further:

"The two years' period will be the time given for all this. Then probably there will be the Press Commission also. So, I quite agree to the two years' period, and no discussion is necessary."

On that occasion, I submitted as follows:

"There is no question of encomiums—I am only submitting why I am not moving my amendment. Because, according to me this Bill was unnecessary even for one year—when we pass a Bill it could not be for less

than one year—but I accept the reasoning given by the hon. Minister and support the amendment."

I did not move my amendment then, though I wanted the Bill only for a year, if at all. I did not move my amendment then, because I thought the hon. Minister agreed to the period of two years. During those two years, no emergency was to be met, no new things were to come into existence, but only an experiment was going to be tried; and that experiment has failed. How has this experiment succeeded? The hon. Minister told us that the States have acted very moderately. I understand that it was the desire of the hon. Minister that the States should have acted with more alacrity, more readily and with greater consequences. And what was the reason that he gave to explain why the States have not been so ready to take action under this Act? He said the States regarded this Act as something dilatory cumbersome and disgusting, and therefore they did not want to take any action. If that is the opinion of the State Governments, then it is quite clear that it is something which the States do not want to touch with a pair of tongs, and it is not useful for the States. The States wanted that they should have a more effective measure. But the then Home Minister was legalistic, and he wanted to carry the whole country with him, by giving something by way of gilded toy—the jury, which was something unknown to the Indian Press. He thought that he would be able to carry the country with him, but he was quite wrong. Our present Home Minister who wants good consequences should be very ready to enforce a weapon which will be effective. There is a proverb in Bihar:

"भात भी नहीं खाया मजा भी नहीं आया"  
जिसे फारसी में कहते हैं "गुनाह बेल्जजत"

Now we have got an Act. We cannot show our face to the whole world, we have got something which no other country has got (*interruption*). There is no question of shame here. If the country's requirements are that we should have more drastic measures, we will have them. We should look to the circumstances in our country also, but I do not like a measure which is absolutely ineffective. What has it done? In the whole of India with its twenty-eight States, only ~~eighty~~ six cases were there, out of which a large number was in respect of obscurity. This shows that this Bill is not necessary at all. It is not required. That is one factor to be borne in mind. Secondly, if we accept the reasons given by our hon. friend, this Bill is ineffective. Whether it is ineffective or useless, both ways there is no reason why we should continue this Act which has given us a bad name, and has also not given us any good results. There is one other cogent reason. I submitted it yesterday, but I do not know how many hon. Members of this House appreciated it then, and how many are going to appreciate it today, but I shall place it for what it is worth.

**Shri N. C. Chatterjee:** All sensible Members appreciated it.

**Pandit Thakur Das Bhargava:** The position of law in our country is in a fluid state, and I made an appeal to the hon. Minister yesterday, that he being a jurist of an eminent order, could give us a good and a new law. Efforts have been made for a very long time to give us a good law, but we have not got that good law so far. Now what is the position of law today? As I submitted yesterday, there is no authoritative pronouncement or law on the subject of sedition now. After the

Federal Court gave us that ruling in Mazumdar's case, the matter went to the Privy Council, and they confirmed the previous ruling given in *Bala Gangadhar Tilak*, and thereafter, when the matter came up before the High Court of Simla, in Master Tara Singh's case, they said sections 124B and 153 of the I.P.C. were *ultra vires*. Then, we passed legislation here, according to which those pronouncements are ineffective, and those cases should be regarded as having lapsed, unless those pronouncements are repugnant to the Constitution, as amended. This we passed under section 3 (2) of the Constitution (First Amendment) Act, 1951. My humble submission is that we do not know where we stand after that. I submitted it several times in this House, to the Law Minister Dr. Ambedkar and to Government, kindly find out what the basis of the law of sedition is in this country. The word 'sedition' has been taken away from the Constitution, and now the only words that exist are 'public order', according to the Constitution (First Amendment) Act. The entire law of America and Great Britain is also based only on these words 'public order'. If there is present danger to public order, then only it is considered as sedition, and not otherwise.

So, my humble submission is that we must have a definition of the word 'sedition'. What is this talk about the Press Act and the people in the press etc? It is only in regard to sedition. In regard to other matters, such as incitement to murder, sabotage etc. or obscene publications, nobody in this House is saying that there should not be a law to check all that. The only question on which there is a difference is about the political situation. Unless and until Government adopt a law giving a definition of 'sedition' as they understand it, somewhere in the realm of law, and in substitution:

[Pandit Thakur Das Bhargava]

of sections 124A and 153A of the Indian Penal Code, we do not know where we stand. Until some case is taken to the High Court or the Supreme Court, and there is an authoritative pronouncement by them, we do not know where we stand. So, we are in a fluid state now, and therefore this law cannot be made here. I would say that we cannot have any law, so far as the question of sedition is concerned, unless the word 'sedition' is defined as such. You are not doing it in this Bill. The result is that we are in a fluid state in regard to our law at present.

So far as the Act of 1931 is concerned, it stands cancelled by virtue of this Act, and I congratulated the then Home Minister that he had taken away a bad law. I shall be very happy if this Act also goes away, and then our law would be quite safe and quite good, and we shall be in a very blessed condition. At the same time, if the situation in the country requires, according to the hon. Home Minister, according to the views of Government, that we should have a law, let us have it either according to the report of the Press Commission—if the Government accepts the report of the Press Commission—or if it does not—because it is not that Government is bound by the report of the Press Commission, Government has to form its own opinion—then Government may bring in a new law. But I humbly request the hon. Minister that it should be a good law regarding sedition by adaptation of 124A and 153A under article 372 of the Constitution. Unless that is done, we will never be able to meet the situation. We have had this for two years as an experiment. I am submitting to the Government that they should not insist on their pound of flesh. Now another two years are not necessary; they are absolutely

unnecessary and the country will not gain by it. I do not think the hon. Minister had anything to say when he made this recommendation as regards two years. He only wanted time. He said the Press Commission was there and unless the report of the Press Commission was with Government, they could not make up their mind. It is perfectly right. He was wrong in thinking that I asked him to withdraw the Bill. I submitted yesterday that I am not willing to see this Act extended a day longer than is absolutely necessary. I do not want to go any further than that, because, according to me, this Bill is opposed to the fundamental rights in the Constitution, 19(1), 19(2) and many other articles—I do not want to go into these questions now. If the hon. Minister will give me the honour of reading all those debates he will then realise how our minds are working. He was wrong in suggesting by way of taunt that I would not get sleep and that my conscience would be pricked and all that. I can just tell him that in the Constituent Assembly, as a matter of fact, we passed sleepless nights over this question. I for one fought for this word 'reasonable' which is put in article 19(1) and (2) of the chapter on Fundamental Rights. I am the author of that word. Without that word, your fundamental rights in the constitution would be barren and infructuous. And it was really in a sleepless night for solving the enigma of the constitution that I got something in my brain—something was injected into the cranium of this humble self, as the hon. Member, Shri Mukerjee said—an inspiration which really saved the core of the Constitution. Then I went to Dr. Ambedkar and asked him, because he was with us in the House. My hon. friend is not aware of all that. It is no use taunting us that we pass sleepless nights and that our conscience is pricked. There is a great difference between the



Home Minister and humble Member of this House. I look at this from the standpoint of a citizen; I only want that the law of the country should not be disfigured. But the hon. the Home Minister is more likely to care for good government, for law and order and all those things. I look at it only from one standpoint, that the law of my country will be consistent with the fundamental rights to which we are pledged. As all of us put our signatures to that document, the Constitution is sacred to me, in the words of Dr. Syama Prasad Mookerjee—words which he quoted last time when the Bill amending the Constitution was being passed. I will present that quotation to the hon. Minister. It is in that light that we look at this. It is perfectly true that we will have to pass sleepless nights if Bills of this kind are brought forward. Our conscience is pricked. But it is entirely wrong to say that we are saying all this in order to get reported in the Press. The Press people never report us correctly as many of them do not fully appreciate what is being said and I never care how and what they report. Therefore, let the hon. Minister not proceed on this assumption that every Member of this House speaks here because he wants to get reported. It is entirely a misinterpretation on his part. I humbly suggest that we look at this measure as citizens and we are only guided by one purpose: that the liberties of our country may be safeguarded. So I protest against the insinuations which the hon. Minister made against me yesterday and against us all when he stated that we were only looking to the gallery and that we were not looking to the facts. *Interruptions*). So far as our laws are concerned, there is only one purpose with us, that we should have good laws that our country may thereby be prosperous, the Press may be quite independent. I think these are the ideals to which the hon. Minister also subscribes. There is no differ-

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ence. It is only a difference in outlook. He administers law. He is so much worried that a criminal may not be acquitted. I also do not want that if he is a real criminal he may not be acquitted. But if legally he should not be convicted he must be acquitted. That is a point of outlook. I do not attribute any motives to the hon. Minister. I respect him very highly. He is an esteemed friend. I almost worship him, as I worship and love all of my friends here in this House who have made sacrifices for the country. They are all my countrymen. At the same time, do not attribute motives to Members of Parliament who are really sincere. You should not for a moment think that we are out for some position here, that we gain something—either pecuniary or by way of reputation—by speaking there. This is an aspersion which should not have been cast against us.

I humbly submit that the Bill should not be there on the statute-book a minute longer than it is absolutely necessary.

**Some Hon. Members rose—**

**Mr. Deputy-Speaker:** I will allow five minutes to each hon. Member. We must finish this early.

**Shri M. D. Joshi (Ratnagiri South):** Sir, I thank you very much for giving me sometime to express my support to this clause. Hon. Members opposite may deride me or may go on in their usual disorderly fashion. But I deem it my duty to express my approbation and hearty support to this clause.

Sir, Mr. Mukerjee said yesterday that he was an editor for three generations. I have not got that privilege. I have got the privilege of being an editor for only one generation—the generation that is my own. I have been an editor for the last 23 years. I have suffered at

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the hands of the British bureaucracy. I was called upon to pay security to the extent of Rs. 2000 for one single sentence and yet, I find it my duty, my bounden duty, to give support to this clause if we value the integrity and the security of this country to-day. I have the highest regard for Pandit Thakur Das Bhargava. He is one of our veteran leaders. Yet I disagree with him very strongly when he says that there is no necessity for this Bill. I very respectfully urge for his consideration the fact that scurrilous writings are appearing in papers in season and out of season, writings which are calculated to promote communal enmity, writings which are calculated....

**Pandit Thakur Das Bhargava:** May I correct him? I never said that no measure is necessary. I said that this Bill is unnecessary. The measures that we have already got, if put into effect, will stop all this, e.g. sections 99A to 99G of the Criminal Procedure Code, section 108 of the Criminal Procedure Code, sections 292 to 295 of the Indian Penal Code and other provisions of law.

**Shri N. C. Chatterjee:** Why don't they use them?

**Shri M. D. Joshi:** I thank the hon. Member for correcting me. He at least partially agrees that there is a certain necessity, though he does not say that there is necessity for this Bill. I submit there is necessity, not only of section 292 which is inadequate to meet the needs of the situation. I do not think that section 499 or section 500 is adequate. I do not think that the Contempt of Court Act is adequate to meet the situation. I think that a special legislation of this kind was called for and not only was it necessary in the year 1951, but circumstances and the particular explosive conditions in which we are

living today make it absolutely necessary that the life of the Act be extended for a longer period than is mentioned in the clause. I therefore beg to support the amendment moved by my friend, Mr. Nandlal Joshi, that the life of the Act be extended to such period as Government deem necessary.

Sir, yesterday much wind was blown in venting their anger against the Bill. I submit that it was all pure doctrinaire politics; or it was complete blindness to the situation. The present state of things demands some action at the hands of Government. I do agree with my friend, Mr. Deshpande who said yesterday that Government have been too lenient. They should have dealt with the Press—the objectionable Press, I mean—very severely. But it is their leniency which is coming in the way and, therefore, the question is flung in the face of the Government: how many prosecutions and how many convictions? But Sir, I think if Government do not want this situation to develop, they ought to take note of the conditions and they ought to adopt a stern attitude towards the delinquents of the Press. I am as proud of the Press as any other Member of the House. In fact, I have the privilege of belonging to that class and, therefore, I shall fight for the liberty of the Press if it is being attacked. It is not the liberty of the Press that is being attacked. It is the licence or the extra liberty or 'libertinism', if I may use that word, that is objectionable.

I have got here the particular matters which were mentioned by the Press Enquiry Committee. What do they say? They say that the right to freedom of speech carries with it duties, liabilities and obligations; restrictions

limiting this right, therefore, be imposed for causes clearly defined but only with regard to the following:

(a) Matters which must remain secret in the vital interests of the State;

(b) Expressions which incite persons to alter by violence the system of Government;

(c) Expressions which directly incite persons to commit criminal acts;

(d) Expressions which are obscene ;

(e) Expressions injurious to the fair conduct of legal proceedings;

(f) Expressions which infringe rights of literary and artistic property;

(g) Expressions about other persons which defame their reputations or are otherwise injurious to them without benefiting the public."

I submit that the necessity to check all these kinds of activities and expressions does still exist. In fact, the situation in the political field and other fields has deteriorated considerably since 1951. I am sorry to note the objections to the Bill voiced by the hon. lady Member, Mrs. Sucheta Kripalani, who was herself a signatory to this report. She has signed this report without a minute of dissent: Perhaps because she has changed sides, because she has crossed the floor, well, her views seem to have changed. I do not want to comment in her absence, but, I was sorry to hear those remarks from her.

What is sought to be checked is not the liberty of the Press it is not the freedom of the Press, but it is that tendency to create mischief, the tendency to break up the solidarity and integrity of this country that is sought to be punished.

**Dr. Rama Rao** (Kakinada): The British also said the same thing.

**Shri M. D. Joshi:** You will say some different things if at all you are in power. I know what to expect if you ever come into power.

**Mr. Deputy-Speaker:** Let the hon. Member address the Chair.

**Shri M. D. Joshi:** I am sorry. Sir, I submit this Bill should have been harsher. After all, what has the Government done? Government has surrendered all its rights or authority. The executive formerly used to demand security as soon as they were satisfied that there was ground for doing so. Now, the executive does not do it; the executive approaches the court like an ordinary complainant and makes a request that the particular newspaper may be proceeded against for a particular lapse or for a particular succession of lapses. Then there is the jury to protect the interests of the person proceeded against; not only ordinary lay people but people with experience of journalism are there. Is there anything more that is required for the protection of the liberty of the Press? I submit that this is a very innocuous Bill. This does not attack anybody's rights and the great hubbub, the great row that is made is made not on the merits of the case but from political motives. I therefore support this clause.

**Dr. S. N. Sinha** (Saran East): Sir, I would like to speak just a few words about the point which our hon. friend Pandit Bhargava has developed in his speech; that is—, there is no emergency in the country today, and that is why there is no necessity for this Bill. With all due respect to him and also to our Home Department, I must say that they are unaware of what is happening in the country today. They do not see a growing tendency in a section of the Press which indulges in meanness. Perhaps, they are over-gentlemanly and never look at such papers. I cannot help reading, if I just bump against them I do not mind when I read something against myself or against our leaders; but, when I read

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slanders about the Armed Forces of our country and the mud thrown against them, I cannot imagine how such things are tolerated in this country. This growing tendency of slander indicates to what extent this Bill is necessary. I am very reluctant to quote or to say anything about the Communists, but, I feel helpless in this matter, because they are the only people who are indulging in this mischief. I am just reading from *Crossroads*. Here they write:

"INDIAN TROOPS IN NEPAL  
MISBEHAVE

The behaviour of the Indian troops and air pilots in Nepal who accompanied the Indian Military Mission are being compared by the people here to the atrocities of the American GIs in Indian cities during war days.

One incident occurred in the woods near the aerodrome here when a Nepali girl collecting firewood was reported to have been assaulted by some Indian pilots. When some Nepali soldiers who were on duty nearby protested, twenty of them were arrested.

Another similar incident happened in the main thoroughfare in the capital when Indian soldiers made obscene remarks at every girl passing by. This led to strong resentment among the public who assembled in large numbers but a clash was averted by the retreat made by the soldiers.

The presence of the Indian Military Mission in the country has aroused the indignation of the Nepali people who see it as an open intervention by the GOI in their affairs. Action Committees are being formed with the representatives of different political parties."

It is a slander on our Armed Forces. Every one knows—and I have the honour of studying the armed forces of a number of countries,—I dare say—the moral standard of the Armed Forces of our country is much higher than of any country in the world. Our soldiers who went to Korea have also been held in very high esteem internationally—by Sweden, Switzerland and several other civilised countries of the world. But, here are the people who sit in this House, belong to our country, and they are throwing this rotten mud on the Armed Forces of our own country. We have to depend a lot—in the growing international situation today—on the morale of our Forces. If someone slanders them, if he pulls their legs or puts a slur on their character, it is wrong. Such slur they do not deserve.

But this is not the end of the story. These reports are written from here for consumption behind the Iron Curtain countries. If you happen to read the Russian, Czech or Polish papers, you will see that they quote this *Crossroads*, or some other gutter Press of the Communists here in India, and that is considered to be gospel truth in those countries about matters relating to our country. I am aware of what international complication it creates. Many of us do not read foreign papers; few read papers published in foreign languages. That is why, we do not realise how shameful it is when we hear such things about our Armed Forces and read them in the foreign papers.

Here is something from another paper *Blitz*. It says something about America; and it is quoted as gospel truth. I will not read it, but I mention this because I have to connect the story. This quotation from *Blitz* is published in an organ of the Communist cominform of which the Communist Party of India is a branch. They have never denied that they are a branch of the Cominform. They are their agents and send news to iron-curtain countries. They are paid

for it. The remuneration they get from other countries goes to the party pockets. Such slanders and slurs emerge from their Press for this very reason. So far they say something about me or our leaders, I do not mind, though we feel it very much.

I have myself been a journalist, I have earned my livelihood as a journalist for a number of years in the foreign countries as well as in India, and I know, the standard of our Press in general, is very praiseworthy, no doubt. But it is the section of the Communist Press which is very sinister. The way it functions in our country—which everybody overlooks, needs to be checked. There is no necessity to check a paper like the *Hindustan Times*. We have nothing to say against it. Its standard is high indeed, but in comparison a paper like *Crossroads* is thoroughly bad. I just took it up at random, and found that in every page it contains matter which shows that they are master slanders in their vocabulary. Their lie factory is being financed by Moscow and tons of material comes from there free. Not a penny is being sent outside India on that account.

**Dr. Rama Rao** (Kakinada): Ask the Llyods Bank.

**Dr. S. N. Sinha:** They want to demoralise us when a grave situation is developing very fast. If you have read today's paper, you will see what Marshal Bulganin has stated. The international situation is now very tense, and in this international situation it is not proper to allow such a paper to function, because it is a disgrace to the country. For this very reason I support this amendment,—that the life of this Bill should be prolonged for another two years.

These Communists have called themselves men of high principles. I say—these are the people who are principally against any princi-

ple. Knowingly and most responsibly I use these words against them. They call themselves patriots but the extracts which I read to you will show what they really are.

We have today a delicate situation on our frontiers, and so we must maintain good-neighbourly relations with Nepal in order to safeguard our frontiers. But when our armed forces are there at the invitation of the Nepalese Government, these people cast a slur upon our soldiers. They say that the Indian troops are there just for molesting girls. If such a publication appears anywhere in the world, it will not go unpunished. I have not come across a country tolerating such a dirty paper. In Germany or Russia, such people who slander their army are hanged perhaps even for much lesser offences of this kind they will be hanged. No country will tolerate a slur to be cast upon their armed forces.

**Mr. Deputy-Speaker:** The object of the Bill, in extending its life, is to punish such people as commit the offences mentioned now, but if you have not inflicted any punishment in those cases, what is the purpose of continuing this Bill?

**Dr. S. N. Sinha:** I am just telling you that something stronger is required than the ordinary punishment. The point that I am developing is on what Shri Thakur Das Bhargava said, namely, that there is no emergency now in the country, and therefore, there is no necessity for prolonging this Bill.

**Pandit Thakur Das Bhargava:** By all means, take more vigorous action if there is an emergency.

**Dr. S. N. Sinha:** Whatever it is, our Home Ministry is aware of the fact? Why should not the Government ask for security from such newspapers? Every time when they put a caricature, I was happy to see that it was very similar to themselves, and it was the voice of Moscow. It is proved by their paper itself. So, I suggest that there should be some

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systematic method of studying the procedure which they are following in our country for publishing most rotten news in their newspapers—the most stinky gutter newspapers that I have ever come across or the world has ever seen. You cannot read even four lines in that paper together without bumping into hypocrisy and degenerate substance.

There is another paper which most people here do not know or do not read, and that is *Swadhinata* of Calcutta, which is also a Communist paper. Last July when the tram strike was going on in Calcutta—I myself was there, and read the Bengali paper *Swadhinata*. The paper published accounts in such a way that one's blood boiled when one read them. It lost no opportunity to create chaos and anarchy, because then only it could flourish. Extracts from this paper were published in Moscow papers. There are a number of papers in this country, but Moscow does not publish extracts from the other papers of India.

The hon. Members have come to know about *Swadhinata* and *Crossroads*. There is another paper, *Blitz* allied to them. It is most disgraceful to see that whatever news is published in the Iron Curtain countries is only taken from these papers and from no other papers in India. About the Calcutta incident also, these papers displayed the news in such a way that it created the impression outside, that Indians are very degraded, and their soldiers are anything but brave and noble. Here lies the danger to the country, and so I support the Bill with all the force at my command.

**Sardar Hukam Singh** (Kapurthala-Bhatinda): We heard the hon. Home Minister remarking against the hon. Members that the whole debate had been unreal and the real issues had been set aside, and I have the same complaint to make about the Home Minister himself that he had been wandering in things that had no re-

levancy to this matter. The original objection was that a special measure is not required when we have got a law to punish these offences. Nobody disputes that obscene publications should be suppressed and must not be allowed to continue writing in such a way as to incite one to violence, etc., and we must have measures for this purpose. My point is whether the law that we have already can punish these offences or not. The Home Minister asks "Would you like to punish the Pressmen or editors with death sentences? If you do not want us to do that, would you like to punish them with imprisonment for two years?" That is the question that confronts us, that is, would you like to have opium or strychnine?

**Mr. Deputy-Speaker:** The hon. Member will discuss the clauses as the House has accepted the principle of the Bill. The only point in clause 2 is the time-limit.

**Sardar Hukam Singh:** I am making a suggestion in regard to Shri Chatterjee's amendment, and that is, if at all we do require this Bill to be continued, it shall not be beyond a period of one year. We have been told that the States have been very cautious in dealing with this measure, but at the same time all of them complain that it is very onerous and cumbersome to proceed with it. They do not want to proceed. I say that out of disgust they have not used it because it was cumbersome, or they were cautious and so they did not use it. We have been told that it has not served its purpose. If it has served its purpose, certainly there is no need for the Bill to be kept for a longer period, and if it has not served its purpose, then certainly it should go and the ordinary law must remain. Certain extracts which were being read from the papers show that such and such things, objectionable things, are being published even now. That means that this Bill has not been able to check that tendency which it was required to do. If that

is the case, there is no necessity at all for the Bill and it cannot serve the purpose. Why then should we have it extended for two years? There is no justification for extending it. As in the previous Bill regarding preventive detention, our hon. Home Minister is astonished to find moderation with which this Bill has been used. This is not moderation. The States say that because it is cumbersome, they do not want to use it. If that be the case then they cannot rely upon this measure for a very long time. If the ordinary law is not able to cope with this evil, we should be definitely told to that effect, so that it may be made more stringent. We are not in a position to make out whether this is in substitution of the ordinary law or in addition to it. Our main objection is that the choice in this respect is left to the States—whether they want to use the ordinary law or this stringent law.

We have more than once been asked this question: what do you want? Do you want to have this or that. It is not a matter of choice for the editor or the publisher who is brought in the dock to exercise his choice. It is for the Government to decide. If the Government feel that a prosecution under the ordinary law would succeed they proceed under it; if they find that guilt cannot be proved under the ordinary law they resort to this convenient measure.

The other objection that was made to this extension is that the whole question is before the Press Commission and this the most inopportune time to give an extension to this Act. But if it is contended that Government must have this power for some time, till they get the report of the Commission, then we feel that it should not be allowed to be on the Statute Book for more than six months. Since the amendment puts it at one year, we support it.

**Shri U. M. Trivedi (Chittor):** Sir, I rise to support the amendment of Mr. Chatterjee and support all the

views that have been expressed by my friend Pandit Thakur Das Bhargava on this point. The unfortunate position in this case is that our Home Minister, the hon. Dr. Katju, always gets away with his forensic ability and does not care a farthing for the views of the people here. He has reminded me of a small couplet in Sanskrit, of which he is fond. I might repeat it for his benefit and enlightenment.

**Dr. Katju:** I do not know Sanskrit: you will have to translate it.

**Shri U. M. Trivedi:** I know you do not know it.

It is like this:

ददत्तु ददत्तु गालीगाली भन्तो भवन्तः

वयम पितृदभानात् गालीदानेऽसमर्थाः ।

जगती विदितमेतद् दीयते विद्यमानं

नहि शशक विषाणं कोऽपि कर्मैः ददाति ॥

Nobody can give the horns of a hare to anybody, because they do not exist. If he wants us to give us reasons he can do it; but he cannot give us understanding. Unfortunately that happened is this. Reasons we are all trying to find out. What are the reasons for extending the life of this measure for another two years? We have searched carefully the Statement of Objects and Reasons. This is the only thing which indicates to us why the life of this measure should be extended. But there we draw a blank. He has not given any reasons: understanding he has none. I submit that he must, whenever he wants extension of life of any measure, give us adequate reasons.

Now, Mr. Deputy-Speaker, it is quite true that there are scurrilous writers all over. We all know that. We do not deny their existence. If your object is to curb such scurrilous writers by all means, have a stringent measure. You do not want to punish such people under the ordinary law. You have a soft corner for them, and so you do not want that they should be punished heavily.

[Shri U. M. Trivedi]

Heavy punishments are provided for under the ordinary law. But you are the choosers.

There are certain matters which are *sub judice* and it is difficult to bring them before the House. A certain paper wrote certain things—a very small affair it was. But the whole machinery of the Uttar Pradesh Government was directed against that paper; it was not prosecuted for publication of this objectionable matter under this Act. Section 153A was resorted to. They can pick and choose. This liberty should not be given to them. If there is a different type of Press, they say: "All right, we will excuse you; but let us make a show of it." If that is your objective, it is worthwhile having this measure. But if there is honesty behind all those things you do there and you treat everybody alike, I see no reason to proceed with this Bill. As I have already said, there are adequate provisions in the ordinary law of the land.

I do not wish to take a long time, but I am unable to see any reason why an extension of two years is asked for, unless it is patterned on the lines of the Preventive Detention Act. Is there any magic behind it: is there any magic in having two years? If there is no such thing, why not have it for two months? Why have it for two years?

**Mr. Deputy-Speaker:** The hon. Member himself is not able to get out of "two".

**Shri U. M. Trivedi:** If there is no magic in it why have it for two years? Have it for two months, two weeks, two days—if you like—but why two years?

**Dr. Katju:** Have it for two centuries!

**Shri U. M. Trivedi:** There is no sanctity behind the suggestion that it should be for two years.

Therefore, I say that even one year is more than enough. I would say that it should not go beyond the

31st of March. But if you want to have it, have it for one year. We do not want to have such measures on our Statute Book which bring a bad name to the whole country. We are now trying to live in a democratic country. We are preaching to the world at large that we are great democrats. We are internationally believed to be great democrats. It is in this great democratic country that this undemocratic measure is being enacted. Dr. Katju may not like to swallow any suggestion that comes from me. But when it comes from a sane and sober legislator like my hon. friend Pandit Thakur Das Bhargava, he should be in a position to accept the suggestion and extend the life of this measure only by one year.

4 P.M.

**श्री बी० जी० देशपांडे (गुना) :** उपाध्यक्ष महोदय, इस द्वितीय धारा का मैं विरोध करने के लिये खड़ा हुआ हूँ। दो वर्ष तक इस कानून को बढ़ाने के लिये मैं इस लिये विरुद्ध हूँ कि मैंने देखा है कि किस प्रकार से यह कानून पिछले दो वर्ष तक हमारे हिन्दुस्तान देश में बरता गया है। इस बरताव को देखने के पश्चात् मुझे इस के लिये समाधान नहीं हुआ है। यहाँ वक्तों के बाद वक्तों खड़े हुये। मुझे पता नहीं है कि कांग्रेस दल का विचार क्या है, विशेषतया साम्यवाद के विरोध में और कम्युनिज्म के विरोध में जब कांग्रेसी सदस्य बोलना शुरू करते हैं तो मेरे हृदय में उन के लिये बड़ी दया उत्पन्न होती है। इसका कारण यह है कि कम्युनिज्म का विरोध इन की सरकार कर नहीं रही है। यह मैं जानता हूँ कि अन्तर्राष्ट्रीय क्षेत्र में हमारे प्रधान मंत्री और इस सदन के नेता कम्युनिस्टों के साथ हैं। हमारे नेता चाइना की तारीफ करते हैं। हमारे शिष्ट मंडल वहाँ जाकर उन की तारीफ करते हैं। और हमारे यहाँ बेचारे संसद् के बहुत से सदस्य खड़े हो कर उन के



खिलाफ़ बोलते हैं । आगे चल कर यहाँ  
यह भी कहा गया है .....

**Shri P. C. Bose** (Manbhum North):  
On a point of Order, Sir, the speaker  
from this side was speaking against  
Indian Communists, not International  
communism and the speaker now  
raises the question. (*Interruptions*).

**Mr. Deputy-Speaker:** Evidently, he  
wants to say when we are concerned  
with Indian Communists, why not with  
international communism? (*Inter-  
rptions.*)

**श्री बी० जी० देशपांडे:** कांग्रेस पक्ष के  
लोग इंटरनेशनल कम्युनिस्ट्स का ही विरोध  
कर रहे थे, इंडियन कम्युनिस्ट्स का नहीं  
कर रहे थे । यहाँ बहुत सारी बातें कही गयीं,  
मैं भी मानता हूँ कि देश की परिस्थिति बड़ी  
नाजुक हो रही है । देश के सामने संकट है,  
कहाँ कहीं से संकट है, यह मैं कहना नहीं चाहता  
हूँ, लेकिन इस देश के अन्दर जो उत्पात और  
संकट की स्थिति हमारे होम मंत्री ने बताई,  
उसे देख कर तो मेरा भी हृदय कांपता है ।  
हमारे माननीय त्रिवेदी जी का क्या मत है,  
उनका कहना है कि हमारे माननीय मंत्री  
रीजनेबुल तो हैं लेकिन रीजने देते ही नहीं ।  
जहाँ तक मेरा सम्बन्ध है मुझे तो उन की तरफ  
से प्रिजन के सिवाय और कुछ मिला नहीं है ।  
अब आज यह जो उत्पात की परिस्थिति का  
देश में निर्माण हो रहा है, और पाकिस्तान की  
ओर से भी संकट हमारे देश के लिये आ रहा  
है, यह सब तो हमें बतलाया जाता है लेकिन  
उस के लिये जो सरकार की तरफ से योजना  
हो रही है और उपाय हो रहा है, मुझे खेद के  
साथ कहना पड़ता है कि वह उपाय श्री  
योजना संकट की स्थिति को टालने और  
उसका मुक्काबिला करने के लिये सर्वथा अनुप-  
युक्त है, देश को इस संकट और उत्पात से  
बचाने के लिये शस्त्र तैयार कर रहे हैं लेकिन  
उन की छुरी बेचारे निरपराध व्यक्तियों पर

चल रही है, मैं मंत्री महोदय से पूछना चाहता  
हूँ कि जिन जिन पत्रों के बारे में उन्होंने बत-  
लाया, उन के खिलाफ़ आपने क्या किया है ?  
जिस चीज़ पर आपत्ति की थी वह जनवरी के  
महीने में पब्लिश हुई थी, लेकिन मैं उन को  
बतलाना चाहता हूँ कि ये खबरें उन के पहले  
भी उन पत्रों में आई थीं । कोई रूल तोड़ता  
है, कोई उत्पात करता है अथवा बम फेंकता है  
या पेपर में ऐसी आपत्तिजनक बातें लिखता  
है, तो इस काम को बन्द करने के लिये जो ताकत  
चाहिये वह ताकत कांग्रेस सरकार में नहीं  
है । किसी पेपर को बन्द करने की ताकत  
इस सरकार में नहीं है । साथ ही इस सरकार  
में ऐसे निरपराध लोगों को जो इस प्रकार के  
उत्पात और आन्दोलन नहीं करते, उनको  
बचाने की उदारता भी नहीं है । They  
have neither the strength to  
suppress the lawlessness nor the gene-  
rosity to spare the innocent people.  
ये दोनों ही बातें न होनी चाहियें । पिछले  
दो वर्षों में हमने देख लिया है कि गरीब बेचारे  
निरपराध लोगों के विरुद्ध केवल राजनीतिक  
प्रतिस्पर्धा के कारण इस प्रेस ऐक्ट कानून का  
इस्तेमाल हुआ है जो अत्यंत अवांछनीय और  
निन्दनीय है । और मैं इस बात को साबित  
करने के लिये आपके सामने एक केस बताने  
वाला हूँ । यहाँ दिल्ली के अन्दर और इस  
सदन में भी बहुत दफ़ा आक्षेप किया गया है  
और इल्जाम लगाया गया है कि यहाँ कुछ  
बस्तियाँ ऐसी हैं जिनको कि पाकिस्तानी  
दिल्ली कहते हैं, वहाँ कोई हिन्दू जा कर नहीं  
रह सकता और वहाँ अत्याचार भी होता है ।  
हमारे पास इस बारे में शिकायत पढ़ुनी  
और मैं स्वयं मिलाप के संपादक के साथ वहाँ  
की हालत देखने गया । मिलाप के संपादक ने  
उस के खिलाफ़ तीन आर्टिकल लिखे और  
उन्होंने अपने अख़बार में लिखा कि एक  
सेकुलर राज्य में केवल मुसलमानों के लिये

[श्री वी० जी० देशपांडे]

एक बस्ती नहीं होनी चाहिये, इस के लिये उनको सेशन जज के सामने ले जाया गया, उन के पत्र से सीक्योरिटी मांगी गई और मैं अपने माननीय मंत्री महोदय को बताना चाहता हूँ कि दिल्ली के सेशन जज ने उन को छोड़ दिया, acquitted him with honour और छोड़ते वक्त यह कहा कि राजनैतिक विरोध के कारण ही इन लोगों पर इस प्रकार के इल्जाम लगाये जाते हैं। हम तो देख रहे हैं कि दो वर्ष के अन्दर जिस प्रकार से इस देश में यह चीज चलाई जाती है, उस से देश के अन्दर लालेसनेस और उत्पात बन्द नहीं हुये हैं। हां, यह जरूर हुआ है कि गरीब और निरपराध लोगों पर अत्याचार किया गया है और उन को सताया जा रहा है। मैं तो प्रार्थना करूंगा कि इस ऐक्ट की अवधि दो वर्ष बढ़ाने के बजाय हम थोड़े दिन के लिये बढ़ायें, क्योंकि पेंस कमीशन की रिपोर्ट जल्दी हमारे सामने आने वाली है, हां देश की परिस्थिति को देखते हुये यदि सरकार चाहती है तो उस के लिये चार महीने, छः महीने या एक साल का समय देने के लिये हम तैयार हैं। सरकार का कहना है कि आज के दिन समाचार पत्रों में औबसीन और अश्लील सामग्री निकलती है। हमको दुःख होता है कि नेताओं के खिलाफ और खास कर मिनिस्टर्स के खिलाफ इस तरह की बातें लिखी जाती हैं। हालां कि मैं देखता हूँ कि जितने भी अभियोग चले हैं खास तौर पर मिनिस्टर्स के खिलाफ लिखन पर ज्यादा चले हैं। मेरा कहना है कि अगर कोई मिनिस्टर के खिलाफ आरोप करता है तो उस के लिये डीफेंडेशन, तीहीन, का कानून है। उसके अन्दर उसके खिलाफ आप प्रोसीड कर सकते हैं। हम नहीं चाहते कि कोई इस तरह का आरोप करे अथवा अश्लील सामग्री छापे, हम इस में उन के साथ नहीं हूँ। लेकिन उन का मुकाबिला करने

के लिये इतनी बड़ी भारी तैयारी की जरूरत हमारी सभ में नहीं है, और आपकी इस तरह की तैयारी करना, हाइड्रोजन बम, मशीनगन और एटम बम के मुहैया करने के समान होगा और इन शस्त्रों से खटमल और मच्छर मारने का प्रयत्न करना होगा और इसी प्रसंग में मुझे पंचतंत्र की एक कहानी याद आ गई। एक राजा ने एक बन्दर को बड़े प्यार से अपने यहां पाला था। राजा के दरबारी लोगों ने बतलाया कि इस बन्दर के हाथों में कुछ नहीं देना। राजा ने माना नहीं और उसको अपना बाडीगार्ड अंगरक्षक नियुक्त कर लिया। एक दिन राजा बगीचे में सोया पड़ा था और उस समय वह बन्दर राजा के अंगरक्षक का काम अंजाम दे रहा था। इतने में एक मक्खी कहीं से आ कर राजा के मुंह पर बैठ गई। बंदर तलवार ले कर चला, तो उसको बताया गया कि मक्खी को हटाने के वास्ते तलवार की नहीं पंखे की जरूरत होती है। लेकिन बंदर ने नहीं माना और उस ने कहा कि तुमको पता नहीं राजा की जान कितनी मूल्यवान चीज है और ऐसा कह कर उस ने तलवार मक्खी मारने के लिये राजा के मुंह पर चलाई जिसके कारण राजा मर गया।

हमें जो यहां बतलाया जाता है कि देश की परिस्थिति भयंकर है, या कोई मिनिस्टर साहब पर अटक करता है सो ठीक है और यह जो अश्लील बातें लिखी जाती हैं इन को हमें रोकना है। देश को हमें बचाना है। मैं बिल्कुल सहमत हूँ और हमें उसके लिये उचित व्यवस्था करनी चाहिये, लेकिन यह मन्त्रियों और मच्छरों को इतनी बड़ी तलवार से मारना जिससे प्रेस की स्वतंत्रता और मुद्रण की स्वतंत्रता नष्ट हो, इस तरह की चीज नहीं होनी चाहिये। मैं प्रार्थना करूंगा कि देश का कल्याण और सुरक्षा आप चाहते हैं, मैं भी चाहता हूँ, और इसी कारण मैं आपसे अनु-

रोष करूंगा कि इस प्रकार का ऐक्ट न लाते हुए आप ऐसा विधेयक लाइये जिस से कि आप देश का बचाव कर सकें और जिससे निर-पराध लोगों को सजा न हो सके ।

**Dr. Katju:** Mr. Deputy Speaker, I am indebted to the hon. Member who spoke last. He has in a way given a very effective reply to the observations made by my hon. friend Mr. Bhargava. He has—the last speaker—indicated in a very graphic language the emergency which he thinks we are all living in.

I do not want to travel over all the ground again. The only question today, at this moment, is the period. My hon. friend, Mr. Joshi, says 'you better have it as long as you like'. I think there is great force in this point of view because—let me be quite frank about it—I am not quite satisfied with the various provisions of this Bill—of the Act—and we have been considering for some time as to how it could be improved and altered in order to make it more effective and more compulsory.

The fact is that the Press Commission was appointed some time last year and it struck us that the Act was going to remain in force upto 31st January 1954 and the House may not like to consider a new Act altogether suitably altered pending the deliberations and recommendations of the Press Commission. But there has been some delay and their report has not been forthcoming. Over and over again, hon. friends have said in a mild or in a sarcastic way or in an angry tone: 'Look at the Statement of Objects and Reasons'. I really do not know—I am a lawyer—what is expected of the Statement of Objects and Reasons. Is it going to be a thesis—a sort of a communist thesis that you have—or what do you want in the Statement of Objects and Reasons? It states that the Press Commission is deliberating over it; it may take some time; it would not be desirable to let this Act completely

lapse; therefore, we will extend it for two years. What more do you require? Do you want some sort of a thesis or a vague narrative? What more do you require? The Statement of Objects and Reasons gives some sort of a key-note with which the lawyers are very familiar. Key-note, just three lines—finished; you get a gist of it.

What is the situation? The Government is determined and has proposed to bring in a comprehensive Press legislation, by no means intending to curb the freedom of the Press at all.

My hon. friend Pandit Thakur Das Bhargava has pointed out that sedition should be defined. It may be necessary, as I suggested, to add some sections in the Indian Penal Code, and so on and so forth. I do not know when the Press Commission's report would be available. It might take three months. It might take a little longer. When the report comes, as of course, it will have to be sent to the State Governments. We will ask them to ascertain public opinion and to be expeditious. But please remember, Mr. Deputy-Speaker, that there are about twenty-three or twenty-four States, A, B and C. All these take time. Months elapse before opinions are received. Then the Government takes its decision, and the matter comes before Parliament. The Bill may have to be circulated for public opinion. There is bound to be a Joint Select Committee, and so on and so forth. I do not know how long all this will take. If some astrologer were to tell me definitely that it will all be over within twelve-months I will have no objection whatsoever. But as I do not know if I have taken these two years so that I may not have to come to this House again. I repeat what I ventured to say on the Preventive Detention Bill discussions. When we had that discussion whether it should be one year or two years I said that the Government will give the House a chance of discussing the merits of

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the Act by presenting a report upon it, thereby saving an enormous, lengthy discussion. Parliamentary discussion, Mr. Deputy-Speaker, is very precious. Somebody said that every minute of Parliament costs the taxpayer something like eighty or hundred rupees. Suppose I accept this time-limit of one year and suppose the new Bill does not come into existence, there is some delay or something like that. Well, I will have to bring this again for re-extension by another year. My hon. friend will say that there should be twelve hours' solid discussion on that. What is the good of wasting all this time?

The understanding is this, namely that as soon as the Press Commission submits its report and it is duly considered by the country at large, by the State Governments, by the Press itself—the Editors' Conference, the Working Journalists' Conference, everybody interested—Government will bring in a Bill. And that Bill will be a comprehensive Bill. It will be in supersession of this Act. If it is enacted within one year, this Act goes. If it is enacted within fourteen months, this Act will go. I only want that we may not have prolonged discussions again, pending the passage of that Bill. The House may take this as an assurance, that there will be no delay in the preparation of that Bill, in the submission of that Bill to Parliament, and in the Government saying that the whole ground should be covered. That is the position as it stands.

I do not want to go into the various points that have been raised in the course of this debate. I am conscious of the existing situation. The Act has to be enforced by the State Governments. They have been very cautious. They have had some legal opinion given to them that "you cannot move in this direction, you cannot move in that direction". I shall do one thing. I am taking you into confidence. I shall send a copy of the whole debate here to the

State Governments and say, "These are the opinions that have been expressed, there have been very strong, vigorous opinions that you have been very slow, much too slow, and you must go ahead, take greater advantage of the provisions of this Bill." That is what is wanted, because they cannot possibly tolerate the passages, the sort of virulent press.

I do not want any impression to go abroad that any particular party or any particular kind of opinion is, so to say, above the law, that nobody can touch them. Nobody is above the law. This Act, as it stands, merely refers to, what I have been saying over and over again, criminal offences, something which was read just now from the *Crossroads*. I did not read it. I only ventured to mention the names yesterday—*Crossroads*, *Spotlight*, *New Age*. I read them for the sake of instruction—good English, very well written, and so on and so forth. They cannot run away with the idea that they cannot be touched. My friend Shri V. G. Deshpande spoke very vigorously. He has his own papers. My friend Sardar Hukam Singh has his own papers, he knows very well *Prabhat*. What is published there? It is not as if we are ignorant of what is happening. The State Governments have been rather careful, as I said, rather lenient about this matter. When I send them a copy of the debates here, probably they will wake up and say that their leniency has been misplaced and they should be a little more strict in these matters in order to preserve the country from disunion. I would like to say to my friend Pandit Thakur Das Bhargava that the times have changed. The situation as it prevailed in the country in October or November 1951 when the Bill was passed, that situation has gone. We are in more critical times now, in 1954. You know it.

I do not want to dilate upon these features of the case, and I do not

want to take your time. I hope what I have said will satisfy my friend Mr. Chatterjee and that they will be pleased to accept four years.

**Mr. Deputy-Speaker:** Need I put the amendments to vote?

**Shri N. L. Joshi:** Sir, I beg leave of the House to withdraw my amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** I shall now put Shri Chatterjee's amendment. The question is:

"In page 1, line 7—for "four years" substitute "three years".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

That clause 2 stand part of the Bill:

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 3.—(Amendment of section 2)**

**Mr. Deputy-Speaker:** I find that all the amendments to clause 3 are out of order.

**Shri K. K. Basu (Diamond Harbour):** Why, Sir?

**Mr. Deputy-Speaker:** I am only giving my reaction, and if there are any points to make me change my view I will certainly hear them.

The point is that clause 3 refers to the definition section and only to one portion of it. That is, the section contains various definitions. Not one definition is associated with another. Instead of being contained in separate sections they have all been strung together as clauses (a), (b), (c) etc. of section 2. And 'unauthorised news-sheet' is defined under clause (k) of section 2. There are provisions for forfeiture, etc. Clause (k) says: "unauthorised news-sheet' means any news-sheet in respect of

which security has been required under this Act but has not been furnished as required." That is one kind of unauthorisation. This Bill, in clause 3, says:

"in clause (k), the following words shall be inserted at the end, namely:—

'or any news-sheet which does not contain the name of the printer and the publisher'."

That is, not only the person from whom security has been demanded, or who has refused to furnish security, but also any news-sheet which does not contain the name of the printer and publisher—that is sought to be included. Therefore, this amendment in clause 3 of the Bill relates only to a small matter. To reopen the whole thing and say, we shall start from the beginning, is not correct. You say "book". Book is not referred to here. "Code", "competent authority", etc., these are not matters of clause 3. Therefore, I do not know how the hon. Member will justify it. Let me see.

**Shri K. K. Basu:** Whenever we have tried to amend a particular section of the parent Act, it is open to us to move amendments to that particular section. Therefore, when the Government try to extend the scope of a particular section, it is open to us to give our definitions which should be embodied in the parent Act, concerning that particular section. We have not gone beyond that. We have suggested an amendment to the section which this particular enactment seeks to amend. We cannot go beyond the amendment. When this particular section is sought to be amended, we are entitled to move amendments.

**Mr. Deputy-Speaker:** I agree. But, there is this difference which the hon. Member has not noted. If a particular section of an Act is touched and it is so inter-related with the other portions of that section that one cannot be affected or ought not to be allowed to be affected because

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it affects other portions also, and there is such an integral connection between one portion and another, he is correct. The mere fact that a number of clauses relating to various different matters are brought under the definition section does not entitle the hon. Member to move amendments to the other sub-clauses when there is an amendment to any of the sub-clauses. Otherwise, we will have 20 definition sections. The hon. Member Shri K. K. Basu knows that in the Indian Penal Code, every definition is a separate section. Like that they could have as well put it here, in which case advantage cannot be taken by the hon. Member. In cases where, notwithstanding the fact that a number of matters come under a particular section, one portion which has no relation to the other portions, which has no integral connection with the other portions, is touched or affected by a Bill, that would not authorise any hon. Member to touch any other portions. It cannot mean that because one portion which has no bearing on the other sub-clauses is touched, the whole clause is thrown open for amendment. I rule it beyond the scope of the Bill.

**Shri K. K. Basu:** There is an amendment to that particular sub-clause.

**Mr. Deputy-Speaker:** Of course I allow it. The amendment reads:

“unauthorised news-sheet” means any news-sheet in respect of which security has been required under this Act but has not been furnished or no appeal has been preferred against such order for security;”

I do not know. I have no objection. But, even this according to me seems to be beyond the scope of the Bill. Anyhow, let him say what he wants to say. I will allow that portion: (k) in amendment No. 22, standing in the name of Shri K. K. Basu.

**Shri Sadhan Gupta:** I have an amendment No. 26.

**Mr. Deputy-Speaker:** Likewise amendment No. 26. This is not a mere definition. This is a substantive provision as to what has to happen regarding an unauthorised news-sheet. It wants to say that an unauthorised news-sheet, notwithstanding the fact that it comes under the definition, shall not be touched. This amendment is out of order. As to what should happen to an unauthorised news-sheet would really come within the operative portion. That other portion is not touched. The hon. Member wants to modify this and also to include the operative portion in the definition. This ought not to be allowed.

**Shri K. K. Basu:** It is really a definition.

**Mr. Deputy-Speaker:** It is really, worded as a definition. But, it is an operative provision; it is not a definition. What happens to an unauthorised news-sheet has been put into this as a definition. Therefore by merely calling it a definition, it would not become a definition.

**Shri Sadhan Gupta:** May I make a submission, Sir, regarding unauthorised news-sheets? An attempt has been made to define unauthorised news-sheet.

**Mr. Deputy-Speaker:** True. You know it is only adding something more to it. They are bringing in some other categories also under the category unauthorised news-sheet. We will assume that instead of putting this as an amendment to sub-clause (k) it was said, this will be added as sub-clause (k-1): “unauthorised news-sheet includes any news-sheet which does not contain the name of the printer and the publisher”, what will be hon. Member do? Can he add all the other things?

**Shri K. K. Basu:** The whole point is this. The original Act defined what should be called an unauthorised news-sheet. The definition was that it was a news-sheet in respect of

which security has been required under this Act but has not been furnished as required. Government now wants to add that if the names of the printer and publisher are not found, it will be an unauthorised news-sheet. Instead of that amendment, we want the definition of unauthorised news-sheet to be, even if security is not furnished, if he prefers an appeal, whatever the period may be, that should not be considered. as as unauthorised news-sheet. We feel that by defining we can say, whatever be the position so far as the appeal is concerned, if a news-sheet which has been asked by the Government to furnish security, does not furnish security but prefers an appeal, it should not be considered to be unauthorised news-sheet. That is the short point that we want to make by this amendment.

**Mr. Deputy-Speaker:** That is a substantive portion. You say that it should not be considered an unauthorised news-sheet so long as the appeal is pending. Suppose there is no appeal. Or, what happens if the appeal is rejected?

**Shri K. K. Basu:** Immediately after the decision, it will become unauthorised.

**Mr. Deputy-Speaker:** There is no such thing here in the definition.

**Shri K. K. Basu:** During the pendency of the appeal, it should not be considered unauthorised news-sheet. If the appeal is rejected, we are bound to pay the security.

**Mr. Deputy-Speaker:** But, there is no such provision here. I am afraid, an operative portion as to what should happen to an unauthorised news-sheet is sought to be included here. This does not relate to definition only. Now, I will put clause 3 to the vote of the House. There are no other amendments.

**Shri Sadhan Gupta rose—**

**Mr. Deputy-Speaker:** I have said enough about this.

**Shri Sadhan Gupta:** I want to speak on this clause.

**Mr. Deputy-Speaker:** On this portion?

**Shri Sadhan Gupta:** I am opposing clause 3 because this clause under an innocent garb seeks to make a very great incursion on the liberty of the Press. The definition of 'unauthorised news-sheet' surreptitiously seeks to introduce into the original definition something which clearly extends beyond the scope of the original Act. In addition to the definition that already was there in the parent Act, it is sought to be defined also as a news-sheet on which the name of the printer and publisher does not appear. The effect of the definition is this. Under section 15, the Government is enabled to forfeit an undeclared press which has printed a news-sheet, a news-sheet which has no other fault except the small one that it does not contain the name of the printer and publisher. It may be an innocent thing. Yet, because it does not contain the name of the printer and publisher, it is sought to be penalised by forfeiture of the press. My objection is this. Already the Press and Registration of Books Act contains provisions for penalising an undeclared press and for penalising publications which do not contain the name of the printer and publisher. So, what reasons have we got to enhance this penalty, and that by way of surreptitiously amending a particular Bill? In such a matter as this, a Bill should be brought forward before the House and a full discussion should take place, and the Government should give us all the reasons showing that there is ample necessity for providing for forfeiture of an undeclared press instead of the much lighter penalties which they are subject to under the Press and Registration of Books Act, 1867.

Let us not forget that it is our confirmed enemies, the British imperialists, who are now the bosom friends of the Government of this country—the confirmed enemies of the people

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of this country—who enacted this Press and Registration of Books Act, a penal Act, an incursion on the liberty of the Press.

**Shri M. L. Dwivedi** (Hamirpur Distt.): It is now 4-30.

**Shri Sadhan Gupta:** And even they did not consider that any greater penalty was required for the undecared Press or for the withholding of the name of the printer and publisher. So, why should we seek to enhance these penalties many times, to impose the most serious penalty of forfeiture for merely non-printing of the name of the publisher?

**Mr. Deputy-Speaker:** The hon. Member will kindly resume his seat. Now it is 4-30. Now, there is only another half an hour which will be available for this Bill, and it will be taken up tomorrow.

Is it the desire of the House that I should put all these clauses now by way of guillotine and then start the third reading tomorrow?

**Some Hon. Members:** No, Sir.

**Shri N. C. Chatterjee:** There is one clause which is important, i.e., taking away the function of the jury. You know, Sir, in the original Bill of Rajaji the jury had to decide the whole thing.

**Mr. Deputy-Speaker:** What is the suggestion of the hon. Member?

**Shri N. C. Chatterjee:** We want to discuss that clause.

**Mr. Deputy-Speaker:** Whatever time is taken for that will be taken in that half an hour.

Further discussion on this Bill will stand adjourned till tomorrow.

Now, the House will take up non-official Bills.

GOVERNMENT OF PART C STATES  
(AMENDMENT) BILL

(AMENDMENT OF SECTIONS 1, 3, ETC.  
AND OMISSION OF SECTION 23, ETC.)

**Shri Biren Dutt** (Tripura West): I beg to move for leave to introduce a Bill further to amend the Government of Part C States Act, 1951.

**Mr. Deputy-Speaker:** The question is:

“That leave be granted to introduce a Bill further to amend the Government of Part C States Act, 1951.”

*The motion was adopted.*

**Shri Biren Dutt:** I introduce the Bill.

UNEMPLOYMENT RELIEF BILL

**Shri A. K. Gopalan** (Cannanore): I beg to move for leave to introduce a Bill to provide relief to unemployed workers.

**Mr. Deputy-Speaker:** The question is:

“That leave be granted to introduce a Bill to provide relief to unemployed workers.”

*The motion was adopted.*

**Shri A. K. Gopalan:** I introduce the Bill.

PUBLIC FINANCED INDUSTRIES  
CONTROL BOARD BILL

श्री एम० एल० द्विवेदी : (जिलाहमीर पुर) मेरा यह प्रस्ताव है कि सरकारी उद्योगों के नियन्त्रण और निरीक्षण के लिए एककेन्द्रीय संगठन की व्यवस्था के सम्बन्ध में एक विधेयक पुर:स्थापित करने के लिए मैं सदन की अनुमति चाहता हूँ।

**Mr. Deputy-Speaker:** The question is:

“That leave be granted to introduce a Bill to provide for a Central Organisation for the purpose of general supervision and control of public industries.”

*The motion was adopted.*