

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Saturday, 19th December, 1953

The House met at Half Past One of the Clock.

[MR. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

[No Questions: Part I not published]

BUSINESS OF THE HOUSE

Dr. Lanka Sundaram (Visakhapatnam): Sir, on the 17th of this month, you were good enough to direct the Leader of the House to make a statement yesterday as to what the intentions of Government are with reference to the Press (Objectionable Matter) Amendment Bill. The Act is expiring on the 31st January, 1954. The Leader of the House undertook to do so but it was not done yesterday.

Mr. Speaker: Perhaps it might have been by a slip.

The Minister of Home Affairs and States (Dr. Katju): The idea is that if this House was unable to dispose of that Bill before it rises—and obviously it cannot—then, in view of the fact that the Press (Objectionable Matter) Act is due to expire on the 31st January, very likely an ordinance will have to be promulgated. We introduced the Bill with the definite object that the House may know as to what the intention of the Government is. The House is likely to meet—no date has been fixed, and the Leader of the House will inform you about it. I imagine that

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the House is meeting some time about the middle of February—this way or that—and if an ordinance is promulgated, then, the ordinance will be laid on the Table at the earliest possible opportunity, and the House will be in a position to discuss the Bill which will be before the House within a month or so. But I cannot possibly commit the Government to say that there will be no Press Act and the gap will be allowed to continue. It is a very important matter and it is none of my fault that owing to the congestion of legislative business the Bill cannot be taken up. That is the position as it stands today.

Dr. Lanka Sundaram: I may submit that this is not a proper way of dealing with this House. It happened, Sir, last time, and I drew your attention during the debates on the 16th of last month, that Sir ordinances have been issued in between the sessions, including two Bills which were pending before the House for long, long months; and I had occasion to bring it to your notice in another place, in view of the huge spillover of legislative business which has not been disposed of by this House, it is more than likely, not only this Bill but other Bills also will be converted into ordinances, that is, legislation by executive action. I am only making this reference, Sir, to suggest to you whether Government cannot agree to some sort of machinery which they agreed to at the time of the PEPSU Bills—special Parliamentary committees in between the sessions provided they were urgent—before they bring the Bills and convert them into ordinances. I feel this is an invasion on the

[Dr. Lanka Sundaram]

legislative competence of this House, and this is resorted to in order to get priority for certain Bills, which normally would not come. Incidentally, this Bill never came before the Business Advisory Committee.

Shri N. C. Chatterjee (Hooghly): We do protest against the course suggested by the hon. Home Minister. It is no good saying like that in a lighthearted manner. It is very bad. It is really treating the House in a cavalier fashion. They knew well that the Act was to expire on a particular date. The Government ought to have arranged the legislative business accordingly. It ought to have been ready weeks ago. It ought to have been taken up; the House should have dealt with the matter properly and discussed the matter. It is not right, Sir, to press it before this House this way, and then to go on legislating by means of an ordinance. This is playing with the House and not treating the House with proper courtesy and proper respect.

Shrimati Renu Chakravarty (Basirhat): There have been certain Bills which have been brought before the House. However, this Bill, being very important, should have been brought first. Therefore, I feel that by keeping this Bill over, they have left open the door for getting it through by an ordinance. They should have brought this Bill, first, before the House.

Mr. Speaker: Let us not go into an argument. Was it not one of the items included in the list of urgent business which Government wanted to put through?

Dr. Lanka Sundaram: To the best of my recollection, it never came before the Business Advisory Committee.

Dr. Katju: I bow to the superior judgment of my hon. friend Mr. N. C. Chatterjee. I am very serious. I thought that Government was dealing with the House extremely fairly. The Constitution provides for the promulgation of an ordinance, and also for

the enactment of legislation by this House; and whenever the House is not in session, well, there is the constitutional provision. I wanted to let the House know that the present intention was to further extend the operation of the Press Act by another year or so. Supposing they had kept quiet and in the month of January, 15th, 16th or say 29th, an ordinance is promulgated, there could be neither constitutional, nor equitable nor logical nor fair, objection to it. I am blamed by my hon. friend that I have been doing something very improper. The Act is due to expire. Sir, on the 31st January, and everybody knows—I think all hon. Members must have known—that having regard to the conditions prevailing in the Press in India, no Government can possibly get rid of that Act, much as I would like to do so.

Mr. Speaker: Well, the point has sufficiently been made out. I do not know whether it would be right on my part to suggest to the hon. Home Minister. The real difficulty arises because, when it was suggested to the Business Advisory Committee that they should allot time for certain Bills, I had specifically asked the Government to give us a complete list of the legislative measures which they wanted to finish in this session. It was not possible to allot time piecemeal and then the Committee were given a complete list, as we were then told, as to the business which Government wanted to put through during this session. Had this Bill been included in that, perhaps the Business Advisory Committee would have taken a different view as regards the priorities and allotment of time. It was not only a list of business that they wanted to bring before the House, but also of the Bills which they wanted to introduce. I think it would have been better if a mention of this Bill had been made. Of course, I would tell the hon. Members who are raising objections, that they should not attribute to Government the intention of keeping over the Bill particularly for passing an ordinance in that manner. It is not a question of dealing with the House

lightly, as the hon. Members seem to suppose, but I do not think that Government...

Dr. Lanka Sundaram: Sir, may I submit a word with your permission? The Business Advisory Committee disposed of all the Bills placed before it on the 7th of this month. The programme was, as you know, drawn up under your distinguished Chairmanship. On the 15th, this Bill was introduced. There are still four more days for this session. This Bill could have been included.

Mr. Speaker: Had it been included, the Members would have been able to judge—they would have been in a position to judge—of the necessity for priorities, and it would have been placed first. Of course, I do not think anybody can challenge the constitutional position that the Government have got the right to issue an ordinance whenever they like.

Dr. Lanka Sundaram: In an emergency.

Mr. Speaker: The word is not 'emergency'. It is 'urgency'. There is no question of 'emergency'. I think, if I remember aright, the article speaks of 'urgency,' and not 'emergency.' I believe 'emergency' was the expression used in the old Government of India Act. But, however, though there is a right, naturally one would not like to have an ordinance whenever there is a possibility of legislation being enacted. That is the whole point.

Dr. Katju: One word. The business is so congested that there are Bills now outstanding, which are of great importance, before this House and which were introduced in February last. We are doing—I am not blaming anybody—everything in an orderly manner and time is fixed. There is, for instance, the Ajmer Durga Khwaja Bill, and many others. What can be done now? Let my hon. friends forego the discussion on preventive detention and let the discussion on the Press Bill be taken up. I have no objection to

that. That will probably be finished in a day.

Mr. Speaker: Let us close the discussion on this.

Dr. Lanka Sundaram: Article 123 is perfectly clear.

"If at any time the President is satisfied that circumstances exist which render it necessary for him to take immediate action....."

Where is the immediacy in regard to this Bill?

Mr. Speaker: Let us not go into a discussion of that. It is a matter in the discretion of the President and cannot be controlled by this House.

REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Mr. Speaker: The House will now proceed with the discussion on the motion moved by the hon. the Home Minister:

"That the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the period ending the 31st December, 1952, be taken into consideration."

Now we have got for this motion, according to the time allotted, one hour and forty minutes. I have calculated the time taken up and we have to finish this within one hour and forty minutes.

What time will the hon. Minister take?

The Minister of Home Affairs and States (Dr. Katju): Many points have been raised. I should like anything between twenty to thirty minutes to meet them.

Mr. Speaker: So that leaves the House about one hour and ten minutes. A request was made yesterday that the time-limit be ten minutes. I think that was agreed to. I find that a large number of members naturally desire to participate in the debate. It