

[Mr. Chairman]

and answered. If we go on still in that manner, it becomes a question hour. At the same time, we have got many amendments which are yet to be discussed.

Shri M. S. Gurupadaswamy: I had raised that already but I did not get the answer.

Mr. Chairman: If it has already been raised, the hon. Member would have got a reply. What is the use of raising it again? The amendments are coming and the third reading also is there. So, I shall put the motion to the vote.

The question is:

"That the Bill further to amend the Press and Registration of Books Act, 1867, be taken into consideration."

The motion was adopted.

CITIZENSHIP BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to present the Report of the Joint Committee on the Bill to provide for the acquisition and termination of Indian citizenship.

PRESS AND REGISTRATION OF BOOKS (AMENDMENT) BILL— CONTD.

Clauses 2 to 15

Mr. Chairman: I have received no amendments to clauses 2 to 15.

Dr. Lanka Sundaram: There is list No. 2 in the list of amendments circulated. My amendments were slightly delayed, and I am requesting you and the House to permit me to move them formally.

Mr. Chairman: His amendment relates to clause 16. The hon. Member may kindly hear me. I am only mentioning clauses 2 to 15 for which there is no amendment. I am putting clauses 2 to 15 to the vote of the House.

Shri Sadhan Gupta (Calcutta South-East): We have something to say on those clauses. Is it your direction that they will all be taken together?

Mr. Chairman: If the hon. Member wants any particular clause to be taken separately, I shall take such clauses.

Shri Sadhan Gupta: I do not want to have any particular clause taken separately. The question is whether we can touch on those clauses, or we can take them only separately.

Mr. Chairman: So far as this question is concerned, we need not now have the same discussion over again. If there is anything specific that he wants to say in respect of a particular clause, I shall take it up separately. If the hon. Member wants to make some observations in regard to any separate clause, I shall allow him to do so.

Shri Sadhan Gupta: I want to say something on clauses 3 and 6.

Mr. Chairman: Yes.

Shri Sadhan Gupta: Firstly, regarding clause 3, I have some very serious apprehensions about the definitions sought to be introduced and especially about the last two definitions regarding paper and printing. With regard to paper—of course I have gone through the parent Act very hurriedly and I have gone through this Bill also very hurriedly—I could not see the justification of including the definition of paper in the parent Act. So far as I could see—and I cannot claim to have been able to examine the Act very thoroughly—there is no mention of 'paper' in any section. Therefore, this definition of paper seems to be without any justification. If I am wrong, and if there is any section mentioning the definition of paper, then I think the definition would be even worse because, that definition would cover every document, public as well as private. Because a document is a very wide term, the consequences will be on the person who writes or who circulates however limited that

section may be in which that paper is circulated. Therefore, I would require some further clarification as to why this definition of paper has been put in here. The Press Commission's recommendations have been cited as the authority but what I want to know is, what is the benefit of these recommendations to the press laws of our country and what is the benefit which has induced the Government to accept it? On this point, unfortunately, we have received no enlightenment at all. I want this clarification because the definition of paper is so sweeping that if it has been mentioned in the parent Act, it would mean that it could have very wide implications and would affect so many kinds of writing which normally no administration will concern itself with.

The second point is about printing. That definition raises still greater apprehensions? It has been stated that there are modern cyclostyling machines. My Deputy Leader Shrimati Renu Chakravartty has touched on this point. As the point is very important, I want to revert to it. There may be cyclostyling machines. What is the problem in India? Are there many cyclostyled newspapers? Are there many cyclostyled matters? Or, is cyclostyling being abused and it is jeopardising the healthy character of the press? Is that the position here? If that is not the position here, it is all the reason that cyclostyling should not be included. Its inclusion is by no means innocuous. Cyclostyling is used by organisations of a private nature. For example, many trade unions issue bulletins—some of them issue periodical bulletins—and these bulletins contain what may be called news or comment on public news. Suppose a certain trade union is issuing monthly or fortnightly bulletins and in one of those bulletins they refer, for example, to the Government's attitude to the Kanpur textile strike, and they express their sympathy or they draw some conclusions from the Government's attitude towards the Kanpur textile strike or the Darjeeling tea garden workers and determine their policy

accordingly. We have often done it. We have often referred to these things and we have commented in our bulletins that in the circumstances when we have a Government which is so hostile to the working classes, we have to adopt a certain policy. That kind of a thing is done in the bulletins. If these bulletins are periodically published, however small the range of their circulation, however limited the circle of their readers, they would come under the definition of newspapers. All the provisions of the Act which may be good so far as the real, genuine, newspapers are concerned, would apply to these bulletins and it would result in great vexation. This kind of interference may be very exasperating. I would appeal to the good sense of the House not to introduce this kind of interference. I would have understood if cyclostyling was being abused. But, the fact is that cyclostyling is not being abused. If it comes to be abused at some other time, then, perhaps, we shall be in a position to frame our policy much more concretely to strike at the abuse and leave out *bona fide* use of the cyclostyling machines. Therefore, I would ask the Minister to wait for the day when circumstances develop, when cyclostyling is abused, when efficient cyclostyling machines are imported for the purpose of producing a huge number of papers which may take the place of newspapers. Till that happens, I think we should not interfere with this and bring in exasperating interference with the affairs of private organisations.

Regarding clause 6, I feel that the requirement regarding cessation of declarations and the requirement as to the making of a new declaration is going to be a great fetter on the democratic development of the press. The hon. Minister has expressed his surprise why one should start a newspaper without the initial finances. Unfortunately, we are not in a country where we have enough finances. There may be so many contingencies. A democratic press, if it wants to develop, has to get its finances from

[Shri Sadhan Gupta]

many sources. We know from the experience of the Communist organisation, to run a paper, we have to raise funds and there are so many things in raising our funds. You may calculate in one way; things may go another way. Your calculations may not come up to expectations. There may be others who have less influence than the Communist party, who want to propagate their opinions and yet they may not be in a position readily to gather funds. In a country of this kind, to insist that you shall have your funds within 6 weeks and no more is to create an impossible situation.

Again, for the same reason of finance, it is an impossible situation. If you say that you must invariably publish so many issues in three months' time. A democratic press in our country, unlike the monopoly press, has to struggle hard for its funds. In these circumstances, it may happen that it undergoes a financial crisis and cannot bring out a sufficient number of issues in the course of three months. Yet, for the healthy development of the press, it is just this kind of press, a press that is struggling for its funds, a press that cannot make both ends meet, that needs encouragement, because it is this kind of press that would normally voice the democratic aspirations of the people. It is only those who prostitute themselves in the interests of the vested interests that readily get funds. Those who openly come out against the vested interests have many difficulties in gathering their funds. Therefore, in the interests of democratic development of the press, this kind of restriction should not be imposed.

The hon. Minister asked, what is wrong in this restriction; you can readily have another declaration. I do not know what is the position in his part of the country. I can inform him that in my part of the country a declaration is not such an easy thing. Of course, under the Act itself, there is not much difficulty. You go and sign a declaration, and there it is. But, I have seen from my experience, not as

an editor, but as a lawyer, that many papers have sought to get a declaration and the magistrate has asked for a police enquiry. I do not know why there should be a police enquiry. There have been police enquiries and it has been months before declarations have been given. Do we want to create a position that if a person, after trying for months to get a declaration and having succeeded after months, is unable to secure funds in six weeks or runs into a financial crisis, he will have again to wait for months before he can bring out another paper? You may say, you can go to the High Court and get a writ of *mandamus* to correct it. But, that takes not a month or two; it takes six months or one year. This is not a position which should be created. Why should this position be created? What is the difficulty? The hon. Minister has complained of impotent declarations. Why should he be so much concerned with the potency of a declaration? He says that at any time any one can take out a declaration. If a declaration lies idle, let it lie idle. What is the difficulty about it? On the other hand, if it lies in genuine cases, it may be a very good policy. It may promote the democratic development of the press to give them certain latitudes in order to tide over financial difficulties.

Shri Raghavalah rose—

Mr. Chairman: May I submit for the consideration of the House that I propose to devote about an hour or so to these amendments. All these amendments generally relate to clauses 16 to 18. There are no amendments to clauses 2 to 15 though the discussion is taking place on them now. I am not disallowing any hon. Member from speaking, but at the same time it must be remembered that there are no amendments. Therefore they are speaking as if they are on the general discussion. So, I would request hon. Members to see that some time is devoted to particular amendments also which come later in regard to clauses 16 to 18. They will kindly conclude their remarks as early as possible on these clauses 2 to 15

Shri Raghavaiah: In keeping with the suggestion made by you in the course of the remarks made just now, at this stage of the debate on this piece of legislation I would only confine myself to clause 4.

Under definitions it is said that "prescribed" means prescribed by rules made by the Central Government under section 20A. To this the Government has an amendment which reads as follows:

"All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament."

This making of rules is one of the important stages of a legislation and hence the House has got to bestow any amount of attention on the manner in which these rules are made by Government for the effective implementation of the legislation passed by this House. Instances have been cited in the course of the first stage of the debate on this legislation and afterwards also to show how, in the course of making rules the Government has got the liberty to do as it likes. For instance, when the question of.....

Mr. Chairman: May I interrupt the hon. Member? Up to clause 15 there are no amendments. There are amendments to clause 16 on behalf of the Minister as well as Shri Kamath and this point will be debated at the time when those amendments are taken up. If he has any remarks on clauses 2 to 15, he may offer them now.

Shri Raghavaiah: I will only confine myself to clause 4, to this amendment only.

Mr. Chairman: That is to clause 18.

Shri Raghavaiah: No. I will make a few general observations on this question, and then.....

Mr. Chairman: On what does the hon. Member want to speak? So far as clause 18 is concerned, the rule-making power is given, and suggestions are made that the rules shall

be laid before both the Houses of Parliament, and further a suggestion has been made by Shri Kamath that they may be discussed and modified by the House etc. That subject will come when we are taking up clause 18. He may reserve his remarks for that occasion.

Shri Raghavaiah: I will deal with clause 4, definitions, not to rules in particular. I do not refer to rules because that is going to be debated at a later stage. I will confine myself to the definition of certain terms in clause 4.

Coming to clause 4, "paper" means any document, including a newspaper, other than a book; "printing" includes cyclostyling and printing by lithography; "prescribed" means prescribed by rules made by the Central Government under section 20A. We find Government giving definitions that suit their convenience and the spirit in which they want to make the rules. Everyone of these definitions has got to be discussed, and it forms an important part of every piece of legislation also.

Printing is defined here as cyclostyling and printing by lithography. I do not want to add any further to what has already been remarked by many Members both on this side and on the other side. There are no two opinions regarding the question of banning or imposing any restrictions on cyclostyled matter. In fact, the Minister in his reply has also made it clear that such material as has been brought out by certain parties in the cyclostyled form will not be subject to the restrictions or formalities that newspapers or other publications have to undergo. I really commend the answer given by the hon. Minister but he also said, in clarifying the definition, that such material will be excluded and it will come in the course of making rules. Since these rules are not going to be made the subject matter of discussion by either of these Houses and are not going to be amended in the course of the discussion, it is very difficult

[Shri Raghavaiah]

for me to agree with him when he says that these exceptions will be made in the course of making the rules. There are certain varieties that are brought out in the cyclostyl-ed form such as question papers of schools and colleges and other institutions, circulars and other informative documents brought out by private organisations for their party use etc., and these should be listed in the legislation itself. So, I would appeal to the hon. Minister that instead of shelving the whole thing in the manner in which he has done, it should be stated in the legislation itself. I would urge on the Minister to amend it in the form suggested by some of the Members since cyclostyled matter has been the target of criticism from all parties.

Regarding "paper" also, I would like the definition to be as self-explanatory as possible. It is now ambiguous and is likely to include anything and everything that the rules may put in. I do not want the definition to be of an ambiguous nature as to give scope to Government to include anything they like to be brought in in the course of making the rules. So, I am sure the hon. Minister will keep in mind the spirit with which I have criticised these definitions and will try to see that they are amended as effectively as possible.

Dr. Keskar: I need not give long arguments in favour of what has been proposed. I would invite the attention of hon. Members to pages 394, 395 and 396 of the Press Commission's Report in which not only have they given the reasons why they are suggesting these particular definitions, but have also given the reasons why it has appeared to them necessary to do so. They have given illustrations at page 396 of the *Report of the Press Commission* and pointed out why the declaration should become void in respect of papers which the persons concerned declare but do not publish, and what difficulties ensue in the collection of statistics in respect of

such papers. One of the reasons why the State Governments have not been able to furnish correct data regarding newspapers that are being published is exactly this, namely that large numbers of newspapers declare themselves but they do not bring out the issues; and to keep track of every paper that is published, or that has made a declaration but has not published any issues, or that has made a declaration, brought out one issue and afterwards has not published anything, has proved too much for them.

Secondly, I would like to draw the attention of hon. Members to what the Commission themselves have stated namely that even at present according to the Press and Registration of Books Act, 1867, the definition of 'paper' to which this objection has been taken exists already; and it can be proceeded against even today. But that has not been done. Instead of trying to bring forward an objection to what we are proposing today, and trying to get round the over-sweeping definition of today, and bring in a correct and more precise definition, the hon. Member is only trying to accuse us of giving a definition which suits our convenience. This definition has been put forward by the Press Commission themselves, and they have given very full reasons why they think that it should be so. In fact, what I added to this was that in order that there should be no hardship and there should be no ambiguity, we propose to bring forward rules exempting certain categories like printing invitations, cards etc. from the scope of this. That has not been done up till now, though that sweeping definition exists in the present Press and Registration of Books Act.

So, I need not go into a defence of what I have proposed to do.

Shri A. M. Thomas: The objection was raised because the word 'paper' as such does not exist in the Bill.

Dr. Keskar: It does exist. If the hon. Member looks into the Press and Registration of Books Act, he will

see that the word 'paper' does exist there. But what has been now suggested is that it means 'any document'. It is not simply the word 'paper'. It has been better defined here. So, it is not that the word 'paper' does not exist in the original Act. The word 'paper' does exist there, but it has been better defined here, and the definition has been given by the Press Commission. But we wanted to be much more precise than the Press Commission so as to see that certain legitimate things do not come within the purview of this.

Thirdly, I would like to reiterate that this applies only to what is published for public circulation. It does not apply at all to what is distributed by parties or by private persons for their private circulation. I think it is legitimate to ask persons who want to sell or publicly distribute things for whatever reasons they know best to simply print on them the name of the printer and the publisher; I do not see in what way it becomes a restriction on them. I do not think it is a restriction at all. In fact, in certain countries, even if you publish a hand-bill, you have to print at the bottom of that hand-bill the name of the printer and the publisher. So, I do not think there is anything wrong about it. In fact, it is legitimate; and nobody should object to this as being a restriction on them.

The other point raised by my hon. friend is this. He has merely repeated what has been stated by my other hon. friends before. If in any way the doubts and fears which he has in his mind can be answered by something, I would certainly think over the matter. But as far as we are concerned, we have gone into the matter carefully, and we feel that ours is an improvement not only on things which exist at present but even on what the Press Commission have suggested. For instance, the Press Commission have quoted the Collection of Statistics Act of 1953. If hon. Members would look at the Collection of Statistics Act of 1953, they will find that that Act is much more stringent

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and much more rigid than what we have suggested here. We have tried to be much more elastic in what we have suggested here, and tried to be helpful. In fact, I would invite hon. Members to point out any difficulties that they have, so that while making the rules, we might be able to overcome them; we shall certainly look into all those difficulties and try to overcome them, and make the definition even more elastic and practicable in the rules that we would be framing.

Mr. Chairman: Unless any hon. Member wants any particular clause to be put separately, I shall put all these clauses to the vote together.

The question is:

"That clauses 2 to 15 stand part of the Bill."

The motion was adopted.

Clauses 2 to 15 were added to the Bill.

Clause 16.—(Insertion of new Part V

Dr. Lanka Sundaram: List No. 2 of amendments has been made available to me, to the Minister and to you, and I beg leave of the House to permit me to read them out.....

Mr. Chairman: I understand they have been circulated already.

Dr. Lanka Sundaram: Not to all hon. Members. I would not make any speech on them, but I would only read them out for record purposes.

I beg to move:

(1) Page 6—

after line 34 add:

"(aa) To furnish the number of employees (editorial and managerial side separately) and their classification according to groups, as on the last day of each year; number of employees (editorial and managerial side separately) retired, died, dismissed, resigned or left the service during the year as well as the number of persons recruited during the year;

[Dr. Lanka Sundaram]

copies of audited profit and loss accounts and balance sheet in such form and manner as may be prescribed."

(2) Page 6—

after line 38, insert:

"19DD. It shall be the duty of every news agency or syndicate supplying material for publication in a newspaper to furnish to the Press Registrar annually or at such intervals as may be prescribed—

- (a) Copies of the audited profit and loss accounts and balance sheet with such details and in such form as may be prescribed;
- (b) a list of subscribers in such form and details as may be prescribed;
- (c) number of employees and their classification according to pay groups, as on the last day of each year;
- (d) number of employees retired, died, dismissed or resigned or left the service during the year as well as number of persons recruited during the year; and
- (e) such other particulars as may be prescribed from time to time."

(3) Page 7, line 1—

after "newspaper" insert "or of a news agency or syndicate supplying material for publication in a newspaper".

(4) Page 7, line 4—

after "section 19B" insert "or sections 19D and 19DD".

(5) Page 7, lines 20 and 21—

after "newspapers" insert "news agencies and syndicates".

(6) Page 7—

after line 27 insert:

"19HH. On the application of any person and on payment of such fees

as may be prescribed the Press Registrar shall furnish to the applicant copies of the Profit and Loss Accounts of a newspaper, news agency or syndicate and such other matter as may be prescribed."

I have got only two very small points to make. Since these amendments were not circulated so far, and since the hon. Minister was good enough.....

Mr. Chairman: I understand amendments Nos. 11 and 12 are not going to be moved.

Dr. Lanka Sundaram: That comes only after the hon. Minister's amendments Nos. 1 and 2 are moved.

Mr. Chairman: Then, let all the amendments be moved, and let us have a discussion on all the amendments relating to clause 16.

Dr. Lanka Sundaram: The other two amendments in my name are to clause 18. So, I shall move them later. May I make a few submissions in connection with the amendments that I have already moved?

Mr. Chairman: Just as the hon. Member pleases.

Dr. Lanka Sundaram: I am not going to make a speech, but I would only draw the attention of the House to.....

Mr. Chairman: I would request the hon. Member to be very brief, since we are racing against time. Certainly, he can have his say, if he likes.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): May I point out one thing? I am sorry to interrupt; I do not want to waste the time of the House. But when I find that the Mover of these amendments says that they have not been circulated so far, I do not quite know what he expects of us, even if he speaks for a minute or two minutes or three minutes or even half a minute; I do not quite know what he expects us to do.

Dr. Lanka Sundaram: May I make a submission? It has been the practice of this House to waive notice of amendments; and since this particular Bill was taken over today because of the earlier Bill having been postponed, there was no opportunity for hon. Members to get the duplicated copies of the amendments.

Shri A. M. Thomas: The hon. Minister has given the assurance that he will incorporate all these suggestions in the proper legislation.

Mr. Chairman: That is a different matter. So far as waiving of notice is concerned, the hon. Minister has not raised any objection so far and I have waived notice in respect of all the amendments which have been given notice of today, because today is the first day of the session and hon. Members may not have given their amendments in time as yesterday it was a holiday. The notice has been waived, and therefore the hon. Member is certainly entitled to move his amendments.

Dr. Lanka Sundaram: The only point I would like to mention in connection with these amendments is this. The hon. Minister has anticipated these amendments and made certain general observations while replying to the debate earlier. I am only formally moving those amendments so that the point may be made clear that the observations made by the hon. Minister in reply to the debate, anticipated these amendments, relate to these amendments only, and to nothing else. I am satisfied on the point that very soon one or two legislative measures will be brought before this House and the points contained in these amendments will be sought to be implemented by the Minister.

Dr. Keskar: Quite right.

Shrimati Renu Chakravartty: May I propose that each clause may be taken and voted upon?

Mr. Chairman: We are taking them one by one. Now clause 16 is under consideration.

Shrimati Renu Chakravartty: He has moved amendments to clause 16. But he is speaking about 19 now.

Mr. Chairman: He is speaking about clause 16.

Amendments moved:

(1) Page 6—

after line 34, add:

“(aa) To furnish the number of employees (editorial and managerial side separately) and their classification according to groups, as on the last day of each year; number of employees (editorial and managerial side separately) retired, died, dismissed, resigned or left the service during the year as well as the number of persons recruited during the year; copies of audited profit and loss accounts and balance sheet in such form and manner as may be prescribed.”

(2) Page 6—

after line 38, insert:

“19DD. It shall be the duty of every news agency or syndicate supplying material for publication in a newspaper to furnish to the Press Registrar annually or at such intervals as may be prescribed—

- (a) Copies of the audited profit and loss accounts and balance sheet with such details and in such form as may be prescribed;
- (b) a list of subscribers in such form and details as may be prescribed;
- (c) number of employees and their classification according to pay groups, as on the last day of each year;
- (d) number of employees retired, died, dismissed or resigned or left the service during the year as well as number of persons recruited during the year; and
- (e) such other particulars as may be prescribed from time to time.”

[Mr. Chairman]

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after "section 19B" insert "or sections 19D and 19DD".

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after "newspapers" insert "news agencies and syndicates".

(6) Page 7—

after line 27, insert:

"19HH. On the application of any person and on payment of such fees as may be prescribed the Press Registrar shall furnish to the applicant copies of the Profit and Loss Accounts of a newspaper, news agency or syndicate and such other matter as may be prescribed."

Shri Shree Narayan Das: I beg to move:

(1) Page 5, lines 28 and 29—

for "Registrar of newspapers" substitute "Press Registrar".

(2) Page 5, line 36—

for "a Register of newspapers" substitute "a Register or Registers of newspapers, news agencies and advertising agencies".

(3) Page 6—

after line 38, insert:

"19DD. It shall be the duty of the owner or manager of every news agency or advertising agency to furnish to the Press Registrar periodical statement in respect of the news agency or the advertising agency at such time and containing such of the particulars as may be prescribed."

(4) Page 7, line 22—

add at the end:

"which shall, as soon as may be, lay a copy before either House of the Parliament".

(5) Page 7—

after line 33, insert:

"19L. The Press Registrar shall perform such other functions as may be assigned to him, by the Central Government, from time to time."

Mr. Chairman: Amendments moved:

(1) Page 5, lines 28 and 29—

for "Registrar of newspapers" substitute "Press Registrar".

(2) Page 5, line 36—

for "a Register of newspapers" substitute "a Register or Registers of newspapers, news agencies and advertising agencies".

(3) Page 6—

after line 38, insert:

"19DD. It shall be the duty of the owner or manager of every news agency or advertising agency to furnish to the Press Registrar, periodical statement in respect of the news agency or the advertising agency at such time and containing such of the particulars as may be prescribed."

(4) Page 7, line 22—

add at the end "which shall, as soon as may be, lay a copy before either House of the Parliament".

(5) Page 7—

after line 33, insert:

"19L. The Press Registrar shall perform such other functions as may be assigned to him, by the Central Government, from time to time."

Dr. Keskar: I explained in the course of my speech the reason why it is not possible to accept the amendments now. As far as news agencies are concerned, we do not think it is possible to bring them within the purview of this Bill. As I said earlier, another legislation is going to come soon which gives power to the Central Government and if that power

is taken, certainly we will move in the direction which the hon. Member has indicated. We have got that in view and it will not be ignored. For the same reason I have not been able to agree to the amendment of Shri S. N. Das also.

Mr. Chairman: There are amendments standing in the hon. Minister's name.

Dr. Keskar: I have tabled these amendments 1 and 2 which stand in my name and I have spoken and explained during the course of my general speech the reasons why they are necessary and I do not think it is necessary to add anything further.

Shri Raghavachari (Penukonda): Now you were pleased to waive notice and permitted certain amendments to be moved. That Member is satisfied with that though Government has not accepted the amendments. He has, simply for the purpose of record, made some statement about them. But so far as the House is concerned, when you have permitted certain amendments to be moved, even if the Government does not accept them, we are at liberty to vote in favour of them. Therefore, they may be allowed.....

Mr. Chairman: Order. Order. The Chair knows its duty. It sometimes takes place that the hon. Member wants to withdraw an amendment but the House might not give him permission. After all it is not within the power of the Minister himself or the mover of the amendment to reject or accept the amendment. It lies with the House. If the hon. Member wants to withdraw his amendments, I will put the motion for permission to withdraw also to the House.

Shri Raghavachari: With the greatest respect, my point simply was that those amendments must be circulated to the Members though late and.....

Mr. Chairman: If the hon. Member had taken objection at the time when

the amendment was moved, it would have been quite different. Now it has been moved and the reply has been given. So the objection is too late.

Dr. Lanka Sundaram: I beg leave of the House to withdraw amendments Nos. 7 to 12 in view of the assurance of the hon. Minister.

Mr. Chairman: It is quite clear that the hon. Member has moved the amendments and the reply has been given by the hon. Minister that he will consider those points and will make rules. Now I want to know the wish of the House. The hon. Member wants to withdraw his amendments.

Several Hon. Members: No. No.

Mr. Chairman: In view of the "No. No" from many Members that we have.....

Shri K. K. Basu: Understanding of this sort should not be allowed.

Mr. Chairman: I am not allowing him to withdraw. I will put the motion to the vote of the House.

Dr. Keskar: My amendments have to be put to the vote of the House.

Mr. Chairman: Now I am putting amendments Nos. 7 to 12 to the vote of the House.

I think the "Noes" have it.

Several Hon. Members: The "Ayes" have it.

Mr. Chairman: I will request the hon. Members to stand up in their seats. (*Interruption*). So many Members are speaking that I cannot hear anything.

Shri Raghavaiah: I suggest that the bell be rung so that the Members who are in the Lobby may also come in.

Mr. Chairman: I will certainly do it, if necessary.

The hon. Member must however remember that he did not give any

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notice of those amendments. Therefore, what is the use of wasting some time on having a division? I will request the Members to stand in their seats and let some time be saved. That is the point. Otherwise, there is no difficulty in meeting the wishes of the hon. Members to have a division. If the House agrees with me, I would rather request the hon. Members to stand up in their seats so that some time may be saved.

Shri K. K. Basu: If the bell is rung, then we can stand up in our seats.

Mr. Chairman: It takes so much time to go to the Lobbies.

Shri K. K. Basu: If the bell is rung.....

Mr. Chairman: All right. Let it be rung.

[Mr. DEPUTY-SPEAKER in the Chair]

Sardar Hukam Singh: I want to have a direction from you. I do not doubt the authority of the Chair to give a ruling and a ruling has been given. But normally it has been the practice here that notice of amendment is only waived when the Government is going to accept those amendments and not otherwise. That is my view. (*Interruption*). In the present case the notice was waived and the impression was naturally given to the Members that the Government was in favour of accepting those amendments. The amendments were moved. The amendments were not circulated to the Members. The impression, naturally, was created that the Government were going to accept those amendments. Then the hon. Minister had occasion to speak on those amendments, and from the trend of his speech also, we thought that he was in favour of those amendments.

Shri A. M. Thomas (Ernakulam):
Not in the present Bill.

Sardar Hukam Singh: He said that he would bring in legislation subsequently.

Mr. Deputy-Speaker: At this stage, no long speech is necessary.

Pandit Thakur Das Bhargava: May I make a submission? My hon. friend has not submitted before you that the motion was also put to the House after it was not allowed to be withdrawn, and then I asked for the vote of the House also. Now, the division bell has been rung and it is too late to make these observations.

Shri T. N. Singh: Apart from that, the general feeling of the House was that due to the sudden taking up of this measure, they had not had time to table amendments. As a special case, the Chair was indulgent; so were the Government, and every one of us wanted to be considerate. So I do not think that point arises.

Dr. Keskar: Of course, the amendments have been allowed and they might be voted upon or not. My only submission is that the present amendments, notwithstanding my sympathy with the objective of Dr. Lanka Sundaram, are beyond the powers of the Central Government and Parliament for the time being. That is the reason why we are unable to accept them.

Mr. Deputy-Speaker: Anyhow, all those stages are over. When I was here, Dr. Lanka Sundaram brought copies of the amendments he had tabled. I wanted to observe the ordinary practice of waiving notice only in case Government were prepared to accept those amendments. Then I asked the hon. Minister. He made a statement that he was not prepared to accept the amendments. Then Dr. Lanka Sundaram told me that he would be satisfied by the kind of assurance given, that this matter may come up before the House at a later stage. On that understanding, I left instructions with Pandit Thakur Das Bhargava that these amendments might be allowed to be moved as an exceptional case, when the Minister showed sympathy with those amendments but is not now prepared to accept them. Thereupon, Dr. Lanka

Sundaram said that he would only get a statement from the Minister and then withdraw his amendments. Possibly he has not consulted his friends and taken them along with him. Now, it is open to any hon. Member to say that leave to withdraw ought not to be granted. Hon. Members have said that and therefore, division has been called. In view of all that has happened, it is for the House to decide now. I will put the question once again, namely amendments Nos. 7, 8, 9, 10, 11 and 12 which Dr. Lanka Sundaram wants to withdraw.

The question is:

(1) Page 6—

after line 34 add:

“(aa) To furnish the number of employees (editorial and managerial side separately) and their classification according to groups, as on the last day of each year; number of employees (editorial and managerial side separately) retired, died, dismissed, resigned or left the service during the year as well as the number of persons recruited during the year; copies of audited profit and loss accounts and balance sheet in such form and manner as may be prescribed.”

Page 6—

(2) after line 38, insert:

“19DD. It shall be the duty of every news agency or syndicate supplying material for publication in a newspaper to furnish to the Press Registrar annually or at such intervals as may be prescribed—

(a) Copies of the audited profit and loss accounts and balance sheet with such details and

in such form as may be prescribed;

(b) a list of subscribers in such form and details as may be prescribed;

(c) number of employees and their classification according to pay groups, as on the last day of each year;

(d) number of employees retired, died, dismissed or resigned or left the service during the year as well as number of persons recruited during the year; and

(e) such other particulars as may be prescribed from time to time.”

(3) Page 7, line 1—

after “newspaper” insert “or of a news agency or syndicate supplying material for publication in a newspaper”.

(4) Page 7, line 4—

after “section 19B” insert “or sections 19D and 19DD”.

(5) Page 7, lines 20 and 21—

after “newspapers” insert “news agencies and syndicates”.

(6) Page 7—

after line 27, insert:

“19HH. On the application of any person and on payment of such fees as may be prescribed the Press Registrar shall furnish to the applicant copies of the Profit and Loss Accounts of a newspaper, news agency or syndicate and such other matter as may be prescribed.”

The Lok Sabha divided: Ayes 64; Noes 242

Division No. 1]

Achalu, Shri
Bahadur Singh, Shri
Basu, Shri K. K.
Biren Dutt, Shri
Bhoovaraghassamy, Shri
Buchhiko tsiah, Shri
Chakravarty, Shrimati Renu

AYES

Chatterjee, Shri Tushar
Chatterjee, Shri N.C.
Chattopadhyaya, Shri
Chowdhary, Shri C.R.
Chowdhury, Shri N.B.
Das, Shri B.C.
Das, Shri Serangadhar

[4—15 P.M.]

Desaratha Deb, Shri
Deo, Shri R. N. S.
Deshpande, Shri V. G.
Gadilingana Gowd, Shri
Girdhari Bhoi, Shri
Gopalan, Shri A. K.
Gupta, Shri Sadhan

AYES—contd

Curupadaswamy, Shri M. S.
Hanada, Shri Benjamin
Hukam Singh, Sardar
Jaipal Singh, Shri
Jena, Shri Lakshmidhar
Kamath, Shri
Kandasamy, Shri
Kelappan, Shri
Khardekar, Shri
Lal Singh, Sardar
Mahata, Shri B.
Majhi, Shri Chaitan
Mehta, Shri Aaka
Menon, Shri Damodara
Mishra, Pandit S. C.

Missir, Shri V.
More, Shri S. S.
Mukerjee, Shri H. N.
Muahar, Shri
Nanadas, Shri
Nayar, Shri V. P.
Pandey, Dr. Natabar
Punnoose, Shri
Raghavachari, Shri
Raghavaiah, Shri
Ramanarayan Singh, Babu
Randaman Singh, Shri
Rao, Shri Gopala
Rao, Shri K. S.
Rao, Shri Mohana

Rao, Shri P. Suba
Rao, Shri T. B. Vittal
Reddi, Shri Erwara
Rishang Keishing, Shri
Roy, Dr. Satyaban
Shakuntala, Shrimati
Sharma, Shri Nand Lal
Shastri, Shri B. D.
Singh, Shri G. S.
Singh, Shri R. N.
Sinha, Thakur Jugal Kishore
Subrahmanyam, Shri K.
Trivedi, Shri U. M.
Verma, Shri Ramji
Zaidi, Col.

NOES

Abdullahi, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achuthan, Shri
Agerawal, Shri H. L.
Agrawal, Shri M. L.
Ajit Singh, Shri
Ajit Singhji, General
Akarpuri, Sardar
Alagean, Shri
Altekar, Shri
Alva, Shri Joachim
Asthana, Shri
Azad, Shri Bhagwat Jha
Badan Singh, Ch.
Balkrishnan, Shri
Balasubramaniam Shri
Bansal, Shri
Berman, Shri
Berupal, Shri P. L.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhatt, Shri C.
Bheekha Bhai, Shri
Bidari, Shri
Birbal Singh, Shri
Borkar, Shrimati Amusyabai
Bose, Shri P. C.
Brijeshwar Prasad, Shri
Brahmó-Choudhury, Shri
Chakha, Shri Bimalaprasad
Chanda, Shri Anil K.
Chandak, Shri
Charak, Th. Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Damer, Shri Amar Singh
Damodaran, Shri G. R.
Damodaran, Shri Nettur P.
Das, Shri B.
Das, Shri B. K.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri Biree Narayan

Datar, Shri
Deb, Shri S. C.
Desai, Shri K. N.
Desai, Shri Khandubhai
Deshmukh, Dr. P. S.
Deshmukh, Shri K. G.
Dholakia, Shri
Dhusiya, Shri
Diwan, Shri R. S.
Dube, Shri U. S.
Dubey, Shri R. G.
Dutt, Shri A. K.
Dutta, Shri S. K.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Ebenezer, Dr.
Fotedar, Pandit
Gadgil, Shri
Gam Malludora, Shri
Gandhi, Shri Feroze
Ganpati Ram, Shri
Gautam, Shri C. D.
Ghose, Shri S. M.
Ghosh, Shri A.
Ghulam Qader, Shri
Gidwani, Shri
Giri, Shri V. V.
Gopi Ram, Shri
Gpunder, Shri K. S.
Gupta, Shri Badahah
Gupta, Shri R. K.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hyder Hussein, Ch.
Iqbal Singh, Sardar
Iyyunni, Shri C. R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayaraman, Shri ||

Jaysashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Jogendra Singh, Sardar
Joshi, Shri Liladher
Joshi, Shri M. D.
Joshi, Shri N. L.
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kasliwal, Shri
Kartu, Dr.
Kazmi, Shri
Keshavsingar, Shri
Keskar, Dr.
Khedkar, Shri G. B.
Kirolikar, Shri
Kolay, Shri
Kottukappally, Shri
Kriahna, Shri M. R.
Krishna Chandra, Shri
Kureel, Shri B. N.
Kureel, Shri P. L.
Lalanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Malliah, Shri U. S.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Shri
Mehta, Shri B. G.
Mehta, Shri Balwant Sinha
Mehta, Shri J. R.
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri S. N.
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S. P.
Mozzaka, Shri

NOES—contd

More, Shri K. L.	Ram Dass, Shri	Singh, Shri R. N.
Mudaliar, Shri C. R.	Ram Saran, Shri	Singh, Shri T. N.
Muhammed Shaffee, Chaudhuri	Ram Shankar Lal, Shri	Singhal, Shri S. C.
Murthy, Shri B. S.	Ranbir Singh, Ch.	Sinha, Dr. S. N.
Muthukrishnan, Shri	Rane, Shri	Sinha, Shri Aniruddha
Naidu, Shri N. R.	Ranjit Singh, Shri	Sinha, Shri G. P.
Narasimhan, Shri C. R.	Rao, Shri Seshagiri	Sinha, Shri Jhulan
Natarajan, Shri	Raut, Shri Bhola	Sinha, Shri K. P.
Natawadkar, Shri	Ray, Shri B. K.	Sinha, Shri Negeshwar Prasad
Nehru, Shrimati Shivravati	Roy, Shri Bishwa Nath	Sinha, Shri S.
Nehru, Shrimati Uma	Rup Narain, Shri	Sinha, Shri Satyendra Narayan
Neswi, Shri	Sahu, Shri Bhagabat	Snatak, Shri
Palchoudhury, Shrimati Ila	Sahu, Shri Rameshwar	Subrahmanyan, Shri T.
Pande, Shri B. D.	Saigal, Sardar A. S.	Subramania Chettiar, Shri
Pannalal, Shri	Samanta, Shri S. C.	Suresh Chandrar, Dr.
Paragi Lal, Ch.	Sankarapandian, Shri	Suriya Prashad, Shri -
Parmar, Shri R. B.	Satyawadi, Dr.	Swaminadhan, Shrimati Ammu
Patel, Shri B. K.	Sen, Shri P. G.	Tek Chand, Shri
Patel, Shri Rajeshwar	Sen, Shrimati Sushama	Telkikar, Shri
Patel, Shrimati Maniben	Sewal, Shri A. R.	Tewari, Sadar R. B. S.
Patil, Shri Kanevade	Shah, Shri C. C.	Thomas, Shri A. M.
Patil, Shri Shankaragouda	Shah, Shri Raichandbhai,	Tiwari, Pandit B. L.
Pawar, Shri V. P.	Shahnawaz Khan, Shri	Tiwari, Shri R. S.
Pillai, Shri Thanu	Sharma, Pandit Balkrishna,	Tiwary, Pandit D. N.
Prabhakar, Shri Naval	Sharma, Shri D. C.	Ujkey, Shri
Rachiah, Shri N.	Sharma, Shri K. R.	Upadhyay, Shri Shiva Dayal
Radha Raman, Shri	Sharma, Shri R. C.	Upadhyaya, Shri Shiva Datt
Raghubir Sabai, Shri	Shastri, Shri Algu Rai	Vaishnav, Shri H. G.
Raghubir Singh, Ch.	Shobha Ram, Shri	Vaishya, Shri M. B.
Raghuramaiah, Shri	Shriman Narayan, Shri	Varma, Shri B. B.
Raj Bhadur, Shri	Shukla, Pandit B.	Varma, Shri M. L.
Rajabhoj, Shri P. N.	Siddananiappa, Shri	Verma, Shri B. R.
Ramananda Tirtha, Swami	Singh, Shri D. N.	Viahwanath Prasad, Shri
Ramaseshaiah, Shri	Singh, Shri H. P.	Vyas, Shri Radhela
Ramaswamy, Shri P.	Singh, Shri L. Jogeswar	Wilson, Shri J. N.
Ramaswamy, Shri S. V.	Singh, Shri M. N.	Wodeyar, Shri

[Mr. SPEAKER in the Chair]

Shri Kamath: Before you proceed to announce the result of the division, may I draw your attention to Rule 385(4)(g).?

Mr. Speaker: What is the point?

Shri Kamath: As far as we in the Opposition are aware, the hon. Minister voted with the Opposition in the Ayes lobby. This rule says that if a Member finds that he has voted by mistake in the wrong lobby, he will be allowed to correct his mistake provided he brings it to the notice of the Speaker before the result of the division is announced. I wish to know whether he has brought this to your notice.

Mr. Speaker: Order, order. Not only the hon. Minister but one other hon. Member also has committed the

same mistake under the misapprehension that the voting was on the question of following the Member to withdraw and not on the amendments themselves. He has invited my attention to that mistake and I have allowed him to correct. But, in any case, even if I had not known till now, as the result is not yet announced it can be done even now.

Shri Kamath: Before the result is announced.

Mr. Speaker: The hon. Minister must be thankful to Mr. Kamath for having given him the opportunity of correcting the mistake.

Shri Jaipal Singh: There is one point which I want to raise which is really about this. I think every time there is a division you should be good enough to say, 'Well, this is the result

[Shri Jaipal Singh]

of the balloting; but, if any one including the hon. Minister wishes to change his mind—I think this is very important because if that is permissible I might also have changed my mind—he will be permitted to change his mind.

Mr. Speaker: I do not think the Chair can take the burden of giving this opportunity to Members to correct or change their minds. Whatever mind they had, they have recorded it and that is final. It is only in the case of a mistake which has been committed that it can be corrected. I do not think the Chair should be asked to give an opportunity to Members for changing their minds or for canvassing.

The result of the division is: Ayes: 64; Noes: 242.

The motion was negatived.

Mr. Speaker: I will now put to the House the amendments of Shri S. N. Das.

Shri Shree Narayan Das: I do not press my amendments.

Mr. Speaker: When an amendment is placed before the House the only course is to withdraw it.

Shri Shree Narayan Das: I beg leave of the House to withdraw my amendments.

The amendments were, by leave withdrawn.

Dr. Keskar: Sir, I move my amendments, Nos. 1 and 2, regarding clause 16 because clause 16 is only being debated now.

Mr. Speaker: Let me be clear on the position. The hon. Minister wants to move only amendments 1 and 2; am I right?

Dr. Keskar: I am moving amendments 1 and 2 in List No. 1 regarding clause 16.

Dr. Lanka Sundaram: We are debating only clause 16. These are

the only amendments that are relevant.

Dr. Keskar: I beg to move:

(1) Page 7, line 6—

for "any person" substitute "any gazetted officer".

(2) Page 7—

after line 33, insert:

"19L. Penalty for contravention of section 19-D or section 19-E etc.—if the publisher of any newspaper—

- (a) refuses or neglects to comply with the provisions of section 19D or section 19E; or
- (b) furnishes or causes to be furnished to the Press Registrar any annual statement, returns, statistics or other information which he has reason to believe to be false; or
- (c) publishes in the newspaper in pursuance of clause (b) of section 19-D any particulars relating to the newspaper which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

19M. Penalty for improper disclosure of information.—If any person engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

Shri Raghavachari: I only wanted to raise a point. When so many

voices were against permission to withdraw Dr. Lanka Sundaram's amendments, the question to be put to the House should have been whether they should be allowed to be withdrawn. I wanted to have your ruling whether the House should not decide whether the withdrawal should be permitted or not.

Mr. Speaker: He has been referring to what has already been disposed of by the House and there is, therefore, no occasion for giving a ruling on it now.

Shri Raghavachari: I wanted to raise it earlier.

Shri M. S. Gurupadaswamy: There was refusal for allowing the withdrawal of the amendment....

Shri M. A. Ayyangar (Tirupati): What we heard was this. So far as the first amendment of Dr. Lanka Sundaram was concerned, the voices were clear and unequivocal, and therefore, Pandit Thakur Das Bhargava, who was in the Chair then, put it to the vote. A division was effected and ultimately the result was announced. So far as Shri S. N. Das's amendment was concerned, we heard only the 'yes' voices, half-hearted 'yes' voices. Under those circumstances, we took it as 'yes'.

Mr. Speaker: I think we did not hear any voice in the negative at all. I said that leave was granted by the House and there was no opposition so far as I could hear.

Amendments Nos. 1 and 2 are moved. What about amendment No. 3?

Dr. Keskar: Amendment No. 3 relates to clause 18 and I have not moved it yet.

Mr. Speaker: I shall put amendments Nos. 1 and 2 to vote.

The question is:

Page 7, line 6—

for "any person" substitute "any gazetted officer".

The motion was adopted.

Mr. Speaker: The question is:
Page 7—

after line 33, insert:

"19L *Penalty for contravention of section 19D or section 19E etc.*—If the publisher of any newspaper—

- (a) refuses or neglects to comply with the provisions of section 19D or section 19E; or
- (b) furnishes or causes to be furnished to the Press Registrar any annual statement, returns, statistics or other information which he has reason to believe to be false; or
- (c) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false.

he shall be punishable with fine which may extend to five hundred rupees.

19M. *Penalty for improper disclosure of information.*—If any person engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 was added to the Bill.

Clause 18—(Insertion of new section 20A etc.)

Dr. Keskar: I beg to move:

Page 8—

- (i) line 1, after "20A" insert "(1)".
- (ii) after line 16, insert:

"(e) prescribing the form and manner in which an annual statement under clause (a) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar;" and

- (iii) after line 24, add:

"(2) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament."

Shri Kamath rose—

Mr. Speaker: Let me dispose of this before coming to the hon. Member's amendment.

Shri Kamath: There are two things there. My amendment No. 5 is really to modify the second part of that amendment.

Mr. Speaker: The hon. Member's amendment may be moved.

Shri Kamath: I beg to move:

Page 8—

- (i) line 1, after "20A" insert "(1)".
- (ii) after line 24, add:

"(2) Copies of all rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament for a period of not less than thirty days, and shall be subject to such modifications as Parliament may make therein."

I concede that the hon. Minister's amendment is good so far as it goes. but it does not go far enough though

it is necessary, and it is not sufficient at all for our purposes. We cannot entrust the Government with wide rule-making powers without adequate control by Parliament. In marking the rules under these sections, the House will agree with me that all rules made by Government under this Act must come before the House and must be subject to such modifications as both the Houses might make therein during the session in which they are laid before the Houses.

May I also point out that the Joint Committee on the Citizenship Bill, the Report of which has just been laid before the House, unanimously, including the Chairman, that is, the Home Minister himself accepted an amendment of this nature which purports to make the rules subject to modification by Parliament after they are laid before the Houses. I commend my amendment for the acceptance of the House and I hope that the Minister, having gone so far, having seen so much wisdom, so much reason, will see a little more and will not hesitate to entrust the entire matter to Parliament.

Mr. Speaker: Amendments moved:

(1) Page 8—

- (i) line 1, after "20A" insert "(1)".
- (ii) after line 16, insert:

"(ee) prescribing the form and manner in which an annual statement under clause (a) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar;" and

- (iii) after line 24, add:

"(2) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament."

(2) Page 8—

- (i) line 1, after "20A" insert "(1)".
(ii) after line 24, add:

"(2) Copies of all rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament for a period of not less than thirty days, and shall be subject to such modifications as Parliament may make therein."

Shri N. C. Chatterjee (Hooghly): As Chairman of the Committee on Subordinate Legislation, I feel it my duty to draw the attention of the House to the recommendations of that Committee's Fifth Report. Shri Pataskar was its Chairman and I had the privilege of being a member of that Committee. We have reported to this House that there is need for uniformity in the procedure and that is all the more great in view of various types of provisions made in Acts leading to certain ambiguities. As you know we have found that unless specific rule or specific provision was made in the Act, the object of this Committee was frustrated and therefore we have recommended as follows whenever power is taken by the Central Government to frame rules:

"(i) That in future the Acts containing provision for making rules etc. shall lay down that such rules shall be laid on the Table as soon as possible.

(ii) That all these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication;

(iii) That in future the Acts authorising delegation of rule-making power shall contain express provision that the rules made thereunder shall be subject to such modifications as the House may like to make."

I think this is a very commendable suggestion which is worthy of consideration and I hope the hon. Minister will accept it. It is practically the same which Shri Kamath has moved but I have re-drafted it slightly with your leave; I hope the Secretary has placed it before you. I have redrafted it in this way according to the recommendation of this Committee. I have tabled this amendment.

Page 8—

- (i) line 1, after "20A" insert "(1)".
after line 24, add:

"(2) A copy of every notification to be issued under this section shall be laid before both Houses of Parliament for a total period of thirty days, which may be comprised in one or more sessions, before their final publication and shall come into force thereafter subject to any modification or annulment that Parliament may make during the said period:

Provided that when it shall not be deemed expedient to lay any rule on the Table before the date of its publication in the Gazette, such rule shall be laid as early as possible after its publication together with an explanatory note giving the reasons for not laying it on the Table before publication in the Gazette."

The Minister gets ample time and the Government gets ample authority to make any rule. If it feels that it is so urgent that it cannot place the rules before the House for 30 days, they can place it before the House after its publication with an explanation giving the special circumstances so that the House may get a chance of making its voice effective in the matter. I hope the hon. Minister will accept it.

Mr. Speaker: I should like to have one clarification. The hon. Member refers to notification; the amendment relates to rules.

Shri N. C. Chatterjee: What I am pointing out is this. I take it that the rules will be published in the Gazette and there will be a notification with regard to such rules. Therefore, I am saying that a copy of every notification to be issued under this section—I take that the rules will be notified and that is the normal process—shall be laid before both Houses of Parliament. That is the usual, normal process. We also consulted Shri C. C. Shah before we drafted it and he was also of this opinion that this is in keeping with the final sovereign authority of the Parliament.

Mr. Speaker: The matter is not clear to me yet. I believe the Bill contemplates the issue of certain notifications under certain sections. They are to be treated as distinct from the rules to be made under the sections. If that is so, then this phraseology perhaps will be restricted only to the notification and not to the rules. That is why I suggest that the rules shall have to be mentioned separately.

Dr. Keskar: The suggestion of the Committee on Subordinate Legislation to which Shri Chatterjee has made a reference has not yet been accepted by the Government. It is under discussion and I do not know when and how it will be accepted; that is not within my purview for the time being and until it is accepted it is not possible for me to accept his suggestion.

Shri N. C. Chatterjee: I am sorry I have been misunderstood. I never suggested that the Government had accepted it. I said that it was a recommendation of the Pataskar Committee. He was the Chairman of that Committee. You know, you formed that Committee consisting of not merely the representatives of the Party in power but also all parties. It was the unanimous recommendation and that was placed before this House. That recommendation has been made so that parliamentary sovereignty may not be made illusory but may be made effective.

Dr. Keskar: I was exactly giving the reasons why I could not accept. I was not saying that the suggestion made by Shri Chatterjee was not proper or good. What I am saying is that until that recommendation is accepted by the Government I am not in a position to accept it. A reference has been made to the Company Law; there it had been accepted because it was a very important Bill and amendments or rules might be promulgated which would have far reaching effect on capital, investment, etc. and therefore it has been accepted. But as far as minor legislations of this type are concerned, until the general recommendation is accepted by the Government, I will not be able to accept this.

Shrimati Renu Chakravarty: May I just raise one or two points? It is about the need for having these rules placed before the Parliament. Recently we have also discussed the rules of the Rehabilitation Compensation Act. The reason why we think this Bill is important is because we have expressed certain suspicions that these rules affect adversely the opposition newspapers and propaganda machinery. Therefore, I feel that it is of sufficient importance from that point of view to have the rules placed and adopted in this House. Secondly, it is a very healthy practice. We find that there are quite a number of Acts in which rules have to be made; the Government has promised to make rules. Till now, rules have not been framed for instance in the case of the Mines Regulation Act of 1947, Notaries Act etc. It is good to have this pressure so that the rules may be brought before the Parliament; the Government will then sit up and take note of it and bring these before the House without delay.

Dr. Keskar: I was not arguing against the particular recommendation referred to by Shri Chatterjee. What I am saying is that it is a very important recommendation which has to be considered by the Government. It has been brought to its notice but

it has not yet accepted it. Therefore, as far as this legislation is concerned, we have to take a decision on merit. I think that it is too minor a legislation in which every small rule which is made has to be placed before the Parliament, debated and adopted before it becomes law. So, I am not able to accept it. Later on, if the general recommendation is accepted by the Government, this could also be changed.

श्री टी० एन० सिंह : इस मामले में मैं यह दरखास्त करूंगा कि जब कि हमारी पार्लियामेन्टरी कमेटी ने कोई सिफारिश की हो तो वाजिब यह है कि उस को बहुत दूर तक बहस में न लाया जाय। साथ साथ गवर्नमेंट खुद कह रही है और मिनिस्टर साहब कह रहे हैं कि इस पर विचार किया जायगा और उस को बाद में लगाकर इस पर सन्सेटेशनल अमेंडमेंट मूव किया जायगा। ऐसी हालत में उस पर अभी हां या ना करवा लेना ठीक नहीं होगा।

मेरा कुछ पार्लियामेन्टरी कमेटियों से ताल्लुक रहा है और मेरे सामने बहुत सी ऐसी बातें आई हैं। मैं यह मानता हूँ कि जो उसूल रखा गया है उस से सभी को इतिफाक होगा, सभी उस को मानते हैं। मैं भी यह ठीक समझता हूँ कि जितने सबसिडियरी रूल्स बने, जितना सर्वाइनेट लेजिस्लेशन हो उस पर हाउस में विचार हो और वोट लिया जाये। लेकिन इस को अभी ईश्यू बना कर हाउस के सामने लाया जायगा और इस पर राय ली जायेगी तो इस से कमेटी की सिफारिश को ही नष्ट कर दिया जायगा। इसलिये मैं दरखास्त करूंगा जो प्रस्ताव रखा गया है अगर उस को वापस ले लिया जाय तो ज्यादा अच्छा होगा।

डा० क्लेसकर : मैं मानता हूँ कि गवर्नमेंट इस बारे में कोई राय देना चाहे सोच कर, राय लेना चाहे तो फिर इस मामले में जो कुछ तबदीली करनी चाहिये, की जाय। मैं इस के लिये तैयार हूँ लेकिन फिलहाल मैं इस को

एकदम स्वीकार करने के लिये तैयार नहीं हूँ।

मैं एक बात और कहना चाहता हूँ कि श्री कामत का जो आखिरी अमेंडमेंट है और जिस के माने यह होंगे कि जम्मु और काश्मीर पर भी यह कानून अपने आप लागू हो जाये, ऐसा आज कल के कांस्टीट्यूशन के मुताबिक हम कर नहीं सकते हैं और इसलिये ऐसा करना अवैधानिक है। बस इतना ही मुझे इस के बारे में कहना है।

Shri N. C. Chatterjee: I want to point out one thing for the information of the hon. Minister that after the recommendation of this Committee the Company Bill has been amended and, as a matter of fact, that is before the House and will be taken up tomorrow. Under the rule making powers under clause 324 a section has been put in exactly in the same way. It has been put in there by the Finance Minister and therefore I am pointing out that this has really been accepted by responsible Ministers of the Government. I will read that clause, Sir, with your permission. It reads like this;

"A copy of every notification proposed to be issued under subsection (1) shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are in session; and if, within that period, either House disapproves of the issue of the notification or approves of such issue only with modifications, the notification shall not be issued or, as the case may require, shall be issued only with such modifications as may be agreed on by both the Houses."

So, it has been accepted and the Bill has been amended. Therefore, it is nothing new and we are not going to spring a surprise on the Government.

Dr. Keskar: May I say just one word. I am as much aware as Shri Chatterjee as to what is being done regarding the Companies Bill and the reasons thereof. This has not been accepted for the Companies Bill because there has been a general principle accepted regarding the rules made by the Government. It has been accepted for the Companies Bill as a special case. As far as the general rule is concerned the matter is under consideration. If Shri Chatterjee argues that this has been done because of the recommendations of the Committee I think he is wrong in that regard.

Mr. Speaker: I do not think any further discussion on this question is now necessary. The recommendation has been made by a parliamentary committee on a very important aspect of delegated legislation. I quite appreciate that the hon. Minister is not rejecting that recommendation but his present plea is that it has not been accepted by the Government and, therefore, it cannot be taken up in a minor Bill of this type.

So far as the Companies Bill is concerned he has made the position clear that the Government accepted the particular provision only with regard to the Companies Bill because it is an important Bill. All the same, it involves a question of principle, to my mind. It is not only that the recommendation has been made by a parliamentary committee but, when there is delegated legislation it can be urged with force that the House should have an opportunity of discussing all that the Government is doing in pursuance of the authority vested in them. But, as it has yet to be considered by the Government, I do not know what the way out of this will be. If it is acceptable to Shri Kamath I might suggest, in view of the attitude taken by the Minister, that instead of deciding the question in a negative way by rejecting the amendment, the better course would be that he may not

press the amendment at this stage. In the meanwhile—so far as this Bill is concerned the Minister would go through with it—the Government may consider or expedite consideration of the general principle and come to a decision. That is the only compromise that I can suggest at this stage.

Shri Kamath: I should have an assurance from the Minister that as soon as the question has been finally decided he will apply that principle to this Bill also.

Dr. Keskar: I am quite ready for that.

Mr. Speaker: When I say “the Government will consider” they will also consult the Chairman of the Committee and come to a conclusion after consultation with him.

Shri Kamath: May I submit that Government, represented by a very senior Minister, the Home Minister, has accepted this principle or the recommendation of the Committee in the Citizenship Bill report on which has just been laid before the House.

Mr. Speaker: All that may be good argument but as the Minister has explained it is not possible for him to accept this at this stage unless the Government also have an opportunity to examine the implications of this in all its aspects. That is how I understand the hon. Minister.

Dr. Keskar: Yes, Sir.

Mr. Speaker: Therefore, if it is acceptable to Shri Kamath he may not press his amendment.

Shri N. C. Chatterjee: I think that would be the best course and I would also appeal to Shri Kamath not to press his amendment.

Shri Kamath: I must have an assurance from the Minister. He has only said “Yes, Yes” to you, Sir.

Dr. Keskar: If the general principle is accepted we will change it accordingly.

Mr. Speaker: He will change this accordingly if the general principle is accepted. If the Government accepts the general principle that in every legislation a provision of this type should be made, then, he says, he will bring in an amending Bill.

Shri N. C. Chatterjee: Or, if the House accepts the report which is going to be discussed one day—and we are going to press for an early discussion—then the Government may change this accordingly.

Dr. Keskar: Quite right.

Shri Kamath: Will the Government make up its mind before the rules are framed?

Dr. Keskar: Yes.

Mr. Speaker: He says: "Yes"; they will make up their mind before the rules are made. So, may I take it that the hon. Member does not want to press his amendment?

Shri Kamath: Only on the distinct understanding, promise, assurance and guarantee that this will be changed when the general principle is accepted, I do not press my amendment.

Mr. Speaker: The only question now for me is to assume that the hon. Member wishes to withdraw the amendment.

Shri Kamath: If the House gives leave for that.

Mr. Speaker: I will put it to the House and get their leave.

The amendment was by leave withdrawn.

Mr. Speaker: Now, I will put the Minister's amendment to the vote of the House.

The question is:

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(i) line 1, after "20A" insert "(1)".

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(ii) after line 16, insert:

"(ee) prescribing the form and manner in which an annual statement under clause (a) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar;" and

(iii) after line 24, add:

"(2) All rules made under this section shall as soon as practicable after they are made, be laid before both Houses of Parliament."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19.— Insertion of new section 22)

Mr. Speaker: Now, we come to clause 19.

Shri Kamath: May I, Sir, by your leave, bring in this amendment No. 6 which seeks to substitute the word "including" for the word "except" in line 27 on page 8. The clause will then read:

"This Act extends to the whole of India including the State of Jammu and Kashmir."

Here, I invite the attention of the House to article 370 of our Constitution which reads:

"(1) Notwithstanding anything in this Constitution,—

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to—

[Shri Kamath]

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said List as, with the concurrence of the Government of the State, the President may by order specify."

5 P.M.

The Minister has adverted to this aspect of the matter and, if I remember aright, he said that 'I believe this is *ultra vires* or outside the purview of this Act and beyond the powers of Parliament. I would like to know what the position is, under this subclause of article 370(1) of the Constitution which says: "such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify." I should like to know whether any attempt has been made or is going to be made by Government to approach the Government of Jammu and Kashmir as regards this particular matter. If this is done and if that Government agrees, then the President is empowered to issue an order accordingly. I do not see why this course could not be adopted in respect of Jammu and Kashmir which is coming closer to us day by day. I hope the whole of that State—not merely a part—will become an integral part of the Indian Union very soon, and it behoves the Ministers as well as the whole House to bring that consummation nearer. Time was when every Act that used to be passed by Parliament specifically excluded the State of Jammu and Kashmir. We did feel sad on such occasions. It did not appeal to us.

Circumstances compelled us to swallow such bitter pills. I think during at least the last two years or more, times have changed and circumstances are quite different now, and the President by order recently—some months ago—has provided for certain Act to be made applicable to Jammu and Kashmir. The jurisdiction of the Supreme Court has been extended to Jammu and Kashmir, and various other matters have been considered and suitable orders issued in that connection. After all, the Minister himself said that this is a routine measure and not a very vital thing according to him. Though opinions may differ on this point, yet, taking him at his own word, it is a routine affair and is not to be taken very seriously as a very vital measure. Therefore, I am not at all convinced that the State of Jammu and Kashmir will object to this enactment, and if the Government makes an approach to the State of Jammu and Kashmir, the order of the President may issue accordingly.

Shri T. N. Singh: Shall we hold up this legislation then?

Mr. Speaker: I think it is time for us to adjourn. I would only say one thing to the hon. Member and he may consider it. From the clause in the Constitution that he read, it appears that the concurrence of the Government of the State of Jammu and Kashmir is necessary. Whether the matter is small or big, it will not be possible for this House to enact anything unless there is a concurrence. So, the concurrence has to precede any legislation. *Prima facie*, therefore, any legislation which this House undertakes without the concurrence of the State of Jammu and Kashmir, will become a nullity in case that State does not concur. It is not that the State may not concur: it may. But the matters are to be decided by the State and not by this House. That is the position. He may consider it.

Shri Kamath: I only wanted to know why the Government does not take the step of consulting the State of Jammu and Kashmir on every occasion.

Mr Speaker: That is a different matter. Anyway, we now adjourn.

Tomorrow we shall take up this Bill first and then the Companies Bill.

5-5 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 22nd November, 1955.
