

### Film Censorship guidelines

20. SHRIMATI RATAN KUMARI:  
SHRIMATI USHA MALHOTRA;  
SHRI KRISHNA NAND JOSHI:

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether Government propose to amend the guidelines for censorship of films with scenes on violence and sex; and

(b) if so, what are the details in this regard?

THE MINISTER OF INFORMATION AND BROADCASTING AND SUPPLY AND REHABILITATION (SHRI V. P. SATHE): (a) and (b) Government is re-examining all issues connected with film censorship. Government will take a suitable decision after this examination is complete.

### Verdict of the Supreme Court on the Constitution (42nd Amendment) Act 1976

21. SHRI ERA SEZHIYAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Supreme Court has struck down two sections of the Constitution (Forty-second Amendment) Act, 1976 by its order dated the 9th May, 1980;

(b) if so, what are the details in this regard; and

(c) whether Government propose to seek a review of the Supreme Court's verdict?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHIV SHANKER): (a) Yes, Sir.

(b) The Supreme Court *vide* the majority decision reduced on 9-5-1980 in Writ Petition Nos. 356-361 of 1977 *Minerva Mills Ltd and others vs. Union of India and others* held that section 4 of the Constitution (Forty-second Amendment) Act, 1976 which came into force with effect from

3-1-1977 and which amended Article 31C of the Constitution by substituting the words and figures "all or any of the principles laid down in part IV" for the words and figures "the principles specified in clause (b) or clause (c) of Article 39, is beyond the amending power of the Parliament", and is void since it damages the basic or essential features of the Constitution and destroys its basic structure by a total exclusion of challenge to any law on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by Article 14 or Article 19 of the Constitution, if the law is for giving effect to the policy of the State towards securing all or any of the principles laid down in Part IV of the Constitution.

The Supreme Court *vide* majority decision has also held that section 55 of the Constitution (Forty-second Amendment) Act, 1976 inserting sub-sections (4) and (5) in Article 368 is beyond the amending power of the Parliament and is void, since it removes all limitations on the power of the Parliament to amend the Constitution and confers power upon it to amend the Constitution so as to damage or destroy its basic or essential features or its basic structure.

(c) The matter is under consideration of the Government.

### Setting up of Hydro-electric power units with foreign collaboration

22. SHRI JAGDISH PRASAD MATHUR:  
SHRI KALRAJ MISHRA:  
SHRI HARI SHANKAR BHABHRA:

Will the Minister of ENERGY, IRRIGATION AND COAL be pleased to state:

(a) whether it is a fact that Government are contemplating to invite foreign collaboration for the setting up of hydro-electric power units in the country; and

(b) whether it is a fact that the Indian Companies are being ignored