

The question was put and the motion was adopted

SHRI J H JOSHI Sir, I introduce the Bill

THE CONSTITUTION (AMENDMENT) BILL, 1965 [*to amend article 101*]

SHRI A D MANI (Madhya Pradesh) Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India

The question was put and the motion was adopted

SHRI A D MANI Sir I introduce the Bill

ANNOUNCEMENT RE GOVERNMENT BUSINESS

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (SHRIMATI SOUNDARAM RAMACHANDRAN) Sir, on behalf of the Minister of Parliamentary Affairs I rise to announce that Government Business in this House for the week commencing 2nd of March, 1965, will consist of

SHRI BHUPESH GUPTA (West Bengal) Sir, I would like to know why the Minister of Parliamentary Affairs is not here

MR CHAIRMAN He is busy elsewhere

SHRIMATI SOUNDARAM RAMACHANDRAN (1) Discussion on the President's Address, (2) Further consideration and passing of the Industrial Disputes (Second Amendment) Bill, 1964, and (3) Consideration and passing of the Industries (Development and Regulation) Amendment Bill, 1965

SHRI BHUPESH GUPTA Mr. Chairman, Sir, we have our difficulties. Obviously we cannot make any suggestions now. When

such business is announced we usually make suggestions and seek certain adjustments through you on the floor of the House and certain assurances are given. Now, we would not like to embarrass the Lady Minister and I think the Minister of Parliamentary Affairs should have himself come here so that we can make our suggestions with regard to the business of the House.

MR CHAIRMAN Occasionally he is busy elsewhere and that is why it has not been possible for him to come.

SHRI A D MANI (Madhya Pradesh) May I mention that some of us had given notices of motions for consideration of the charge sheet against the left Communists which had been placed on the Table of the House. We expect the Government to give the House an opportunity of discussing the charges against the so-called left Communists. Sir, a large number of persons have been deprived of their liberty and the House must have the right to discuss this matter. We would like the Government themselves to introduce a motion and if for any reason that is not possible we expect the Government to accept the notices of motions that some of us have given.

1 P M

SHRI BHUPESH GUPTA That is the point I would have raised also if the Minister was here. Now, we have got an essay in falsehood and perversion called the statement by the Home Minister with regard to what they call Left Communists. Now, Sir, if it had been published outside, we would have sued them for defamation. Here they have made the statement in order to make it a privileged document in order to escape defamation proceedings against them. Here a document has been given showing secret and confidential things. They have placed it on the Table of the House. Therefore

MR CHAIRMAN You may say what you want to say.

SHRI BHUPESH GUPTA I have to say this, otherwise it will not be known to the world. Therefore, when we say that

(*Interruptions*)

SHRI CHANDRA SHEKHAR (Uttar Pradesh) We have many things to say against the Left Communists. Do you want us to discuss it?

MR CHAIRMAN No no I am sure Mr Bhupesh Gupta will have ample opportunity of saying it on another occasion

SHRI BHUPESH GUPTA Therefore, are you in a position to have the matter discussed with the Minister of Parliamentary Affairs so that a motion comes up for discussion with their explanation also as to why this has been done and why not a White Paper? We would also like that

SHRI ABID ALI (Maharashtra). Sir, I have also given notice of a motion in this connection about the document placed by the Government on the Table and I request the Government through you to permit a discussion on this point very early, because my feeling is that a large number of persons, who should have been arrested, are still not arrested and they should be arrested

MR CHAIRMAN The House stands adjourned till 2.30 in the afternoon

The House adjourned for lunch at two minutes past one of the clock

The House reassembled after lunch at half past two of the clock, THE DEPUTY CHAIRMAN in the Chair

THE DEPUTY CHAIRMAN. Mr Mani

SHRI BHUPESH GUPTA Before you start, we would like that a copy of the ruling that has been given in the other House on the question of CBI Report be circulated to us

THE DEPUTY CHAIRMAN That you can get yourself

THE INDIAN PENAL CODE (AMENDMENT) BILL, 1963—*continued*

SHRI A. D. MANI (Madhya Pradesh): Madam Deputy Chairman, I support the motion moved by my hon. friend, Diwan Chaman Lal, that his Bill for the amendment of the Indian Penal Code be circulated for eliciting opinion thereon. The hon. Mover of this Bill mentioned in his speech that he had tried to get the amendment effected in the Indian Penal Code as it would enable works of art to be exempt from the penal clauses relating to the punishment for obscenity and at that time the Mover narrated that Mr. Jinnah was very lukewarm and the matter remained as it was. I wish the hon. Mover of the Bill had brought before the House the number of cases of alleged obscenity which have been punished but which have been works of art. So far as I can remember there have been very few cases of successful prosecutions for obscenity. Some years ago a book was published in Bombay called very strangely 'How to be happy even though married'. That book was the subject of prosecution. When I was a member of the Press Commission we had the book produced before the Press Commission, but what the publishers did was to see that a proviso was inserted in the conditions of sale of the book which made it obligatory for the publisher to sell the book only to a *bona fide* married person. It is on that ground that book was saved from the charge of obscenity. The question of obscenity has not been a serious problem with us. I know that many of our sculptures in the temples may be regarded by modern standards as obscene. There are some engravings in the caves of the temples of Khajuraho at which a modest person will blush. Perhaps there are also sculptures in the famous Konarak temple which would be regarded as obscene. Obscenity has varied from age to age. It has been recorded that among some of the tribes of the South Pacific region even eating a solid, if it is in public is regarded as an obscenity. Quite a large number regard medication in public also as obscene. The problem, as I said, has not attained serious dimensions in our country, because our civilisation has been always emphasising restraint in the exhibition of