

THE ORISSA



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SEPARATE PAGING IS GIVEN TO THIS PART, IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

PART VI

Bills introduced into the Council of the Governor General of India and
Bills published before introduction in that Council

LAW DEPARTMENT
NOTIFICATION

The 2nd June 1945

No. 2435-J.—The following Bill with Statement of
Objects and Reasons is published for general information.

Any person or public body desiring to submit an
opinion on the Bill should do so through the Provincial
Government only and that any opinion thereon which
is submitted direct to the Central Legislative Assembly
Department or to any other Department of the Govern-
ment of India will not be accepted.

By order of the Governor
J. E. MAHER
Secretary to Government

GOVERNMENT OF INDIA
LEGISLATIVE ASSEMBLY DEPARTMENT

A
BILL

further to amend the Indian Penal Code; and Annexure

(Quazi Muhammad Ahmad Kazmi, M.L.A.)
[As introduced in the Legislative Assembly]

A
BILL

further to amend the Indian Penal Code

WHEREAS it is necessary and expedient that the proce-
dings and speeches in Indian Legislatures should be

published in the widest possible manner; It is hereby enacted as follows:—

1. Short title and extent—(1) This Act may be called the Indian Penal Code (Amendment) Act, 1945.

(2) It shall extend to the whole of British India.

2. Insertion of new section 93A in Act XLV of 1860—After section 93 (XLV of 1860) of the Indian Penal Code the following new section shall be inserted, namely:—

“ 93A. *Publication of speeches in Indian Legislatures—* No publication made in good faith of any speech or speeches in any Indian Legislature, is an offence ”.

STATEMENT OF OBJECTS AND REASONS

It is proper and necessary that, for the due and effective exercise and discharge of the functions and duties of the Indian Legislatures, and of the members thereof, and for the promotion of wise and good work in the Legislatures, no obstruction or impediment should exist in the way of the publication, not only in official reports, but in the newspapers and journals of the country, of the speeches, votes, and proceedings of the Indian Legislatures. The recent ruling of the President of the Legislative Assembly given on the point of privilege raised by Sardar Sant Singh, M.L.A., in connection with the publication of his speech by Mr. Krishna Kanta Malaviya, M.L.A., in the *Abyudhaya*, has brought the whole question to the front. The present position is exceedingly dangerous for the

Legislature, for the people, and for the Press. Parliamentary work is likely to become a farce if the widest possible publicity is not given to the work therein. It is impossible to expect the newspapers to examine critically the speeches of the members of the Legislatures before publishing them. It is not right that the sword of Damocles, the executive action under the Press Act, or any other penalty should hang over them. Moreover the electors would like to know how their representatives speak and vote in the Legislature to which they send them. In the Irish Free State such a privilege is conferred by Statute. It has been enacted in England by the Bill of Rights that the freedom of speech, debate or proceedings in Parliament ought not to be impeached.

There is no danger of abuse of this power of publication of the speeches made in the Assembly, because Standing Order 29 of the Legislative Assembly provides that a member while speaking shall not utter treasonable, seditious or defamatory words. Without this right the freedom of speech of the members in the Indian Legislature may be reduced to almost nothing and this Bill is perfectly consistent with the provisions of the Government of India Act, which under section 67 (7) provides that “ No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber ”. These official reports are available to any citizen at reasonable prices. Publication of the proceedings in other newspapers cannot create any different situation. Hence this Bill.

MOHD. AHMAD KAZMI